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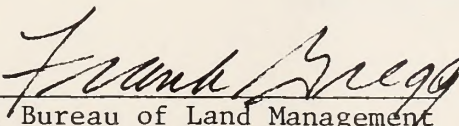


SNAR  
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FINAL  
ENVIRONMENTAL STATEMENT

SNAKE RIVER  
BIRDS OF PREY NATIONAL CONSERVATION AREA

Prepared By  
BUREAU OF LAND MANAGEMENT  
DEPARTMENT OF THE INTERIOR

  
\_\_\_\_\_  
Director, Bureau of Land Management

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FINAL

THE PROPOSED STATEMENT

STATE OF NEW YORK  
COUNTY OF NEW YORK

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## United States Department of the Interior

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BUREAU OF LAND MANAGEMENT  
Boise District Office  
230 Collins Road  
Boise, Idaho 83702

IN REPLY REFER TO

QL  
684  
.I2  
S635  
1980

Dear Reader:

Enclosed for your review is the Final Environmental Statement on establishment of the Snake River Birds of Prey National Conservation Area on public lands in portions of Ada, Canyon, Elmore and Owyhee counties in southwestern Idaho.

Establishment would be through legislative action by Congress, amending Title VI of the Federal Land Policy and Management Act (FLPMA) of 1976. The proposed designation would retain 515,257 acres of public land in public ownership.

Alternatives considered are: A) no action; B) modification of the proposed Conservation Area boundary; and C) withdrawal of the proposed Snake River Birds of Prey National Conservation Area under section 204 of FLPMA.

The Draft Environmental Statement was made available to the public on June 5, 1979. A review and comment period was provided until September 14, 1979.

The Final Statement was prepared using comments received during public hearings and through the Draft review process. All comments dealing with the adequacy of the Draft are included in Chapter 9 of this Final Statement, along with our responses. The text of the Final Statement was revised in response to comments received.

Thank you for your interest and participation.

Sincerely yours,

D. Dean Bibles  
District Manager



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# United States Department of the Interior



Office of the Secretary  
Washington, D.C. 20540  
Telephone: (202) 245-7000  
Teletype: (202) 245-7000

Dear Sir:

Enclosed for you are copies of the report of the Secretary of the Interior, dated and captioned as above, and a copy of the report of the Secretary of the Interior, dated and captioned as above, and a copy of the report of the Secretary of the Interior, dated and captioned as above.

Very truly yours,  
Secretary of the Interior

Enclosed for you are copies of the report of the Secretary of the Interior, dated and captioned as above, and a copy of the report of the Secretary of the Interior, dated and captioned as above, and a copy of the report of the Secretary of the Interior, dated and captioned as above.

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## SUMMARY

( ) Draft

(X) Final Environmental Statement

Department of the Interior  
Bureau of Land Management

1. Type of Action ( ) Administrative (X) Legislative

2. Brief Description of Action: The Bureau of Land Management proposal recommends that 515,257 acres of public land in Ada, Canyon, Elmore and Owyhee counties, Idaho, be designated by Congress as the Snake River Birds of Prey National Conservation Area; that Congress remove these lands from mineral entry under the 1872 Mining Law; that these lands be removed from application under the Desert Land, Carey, and the State of Idaho Admissions Act; and that leases under the Mineral Leasing or Geothermal Steam Act would be allowed as provided in a land use plan developed under the authority of the Federal Land Policy and Management Act (FLPMA) of 1976.

3. Summary of Environmental Impacts and Adverse Environmental Effects: The proposed designation would result in retaining 515,257 acres of public land in public ownership; it would provide for the protection, maintenance and perpetuation of the birds of prey, including the endangered bald eagle and peregrine falcon; it would provide for the protection and maintenance of the existing ecological, geological, scientific, educational, historic, outdoor recreation, wildlife, live-stock grazing, and esthetic values of these undeveloped public lands. It would also provide for continued use of 122,600 acres of public land by the Idaho National Guard for maneuver purposes.

This proposal would also result in the loss of a future opportunity for: 1) farm development under the Desert Land and Carey Acts; 2) selection of public lands by the State of Idaho under the Idaho Admissions Act; and 3) mineral entry and patent as presently known under the 1872 Mining Laws.

4. Alternatives Considered: A) no action; B) modification of the proposed Conservation Area boundary; and C) withdrawal of the proposed Snake River Birds of Prey National Conservation Area under Section 204 of FLPMA.

5. Comments Have Been Requested From The Following: see attached page.

6. Date Statement Made Available to EPA and the Public:

Draft: July 5, 1979

Final:



ATTACHMENT

COORDINATION IN THE REVIEW OF THE DRAFT ES

Comments on the draft environmental statement were requested from the following agencies and interest groups. Asterisks indicate responses received:

Federal

Advisory Council on Historic Preservation  
Department of Agriculture  
Science & Education Administration-AR  
\*Soil Conservation Service  
\*Department of the Air Force  
\*Department of the Army  
Department of Commerce  
Department of Health, Education and Welfare  
Department of Housing and Urban Development  
Department of the Interior  
Bureau of Mines  
Bureau of Reclamation  
\*Fish and Wildlife Service  
\*Geological Survey  
Heritage Conservation and Recreation Service  
\*National Park Service  
\*Department of Transportation  
\*Environmental Protection Agency  
\*Federal Energy Regulatory Commission  
\*Federal Power Commission

State

\*State of Idaho  
\*Governor's Clearinghouse  
\*Department of Fish and Game  
Department of Water Resources  
\*Department of Highways  
Department of Lands  
Department of Energy  
Department of Agriculture  
Department of Health and Welfare  
Department of Parks and Recreation  
Military Division

Local

Ada County Commissioners  
Ada County Planning and Zoning Commission  
Canyon County Commissioners  
Canyon County Planning and Zoning Commission

Elmore County Commissioners  
Elmore County Planning and Zoning Commission  
\*Owyhee County Commissioners  
Owyhee County Planning and Zoning Commission

Nongovernmental Organizations

\*Ada County Fish and Game League  
\*American Association of University Women  
\*Audubon Society  
Boise Riding Club  
Capital Conservation Club  
\*Carey Act Association of Idaho  
Citizens Alliance  
Coalition to Save the Snake  
\*Friends of the Earth  
Gem State 4-Wheel Drive Club  
Greater Snake River Land Use Congress  
Idaho Archaeological Survey  
Idaho Association of Soil Conservation Districts  
\*Idaho Cattlements Association  
\*Idaho Conservation League  
\*Idaho Environmental Council  
\*Idaho Farm Bureau Federation  
Idaho Federation of Garden Clubs  
Idaho Gem Club  
Idaho Historical Society  
\*Idaho League of Women Voters  
\*Idaho Mining Association  
Idaho Motorcycle Association  
Idaho Outdoor Association  
\*Idaho Water Users Association  
\*Idaho Wildlife Association  
\*Idaho Woolgrowers Association  
Mountain Home Air Force Base Sportsmen Club  
Nampa Rod and Gun Club  
\*National Wildlife Federation  
National Trust for Historic Preservation  
\*National Wildlife Society  
\*Nature Conservancy  
Off Road Motorcyclists Council  
\*Oregon High Desert Study Group  
Outdoors Unlimited  
Peregrine Fund  
\*Sierra Club  
\*Southwest Idaho Development Association  
Snake River Conservation Research Center  
Snake River Regional Studies Center  
WETA of Idaho

Other

Senator Frank Church  
Senator James McClure  
\*Congressman Steve Symms  
Congressman George Hansen





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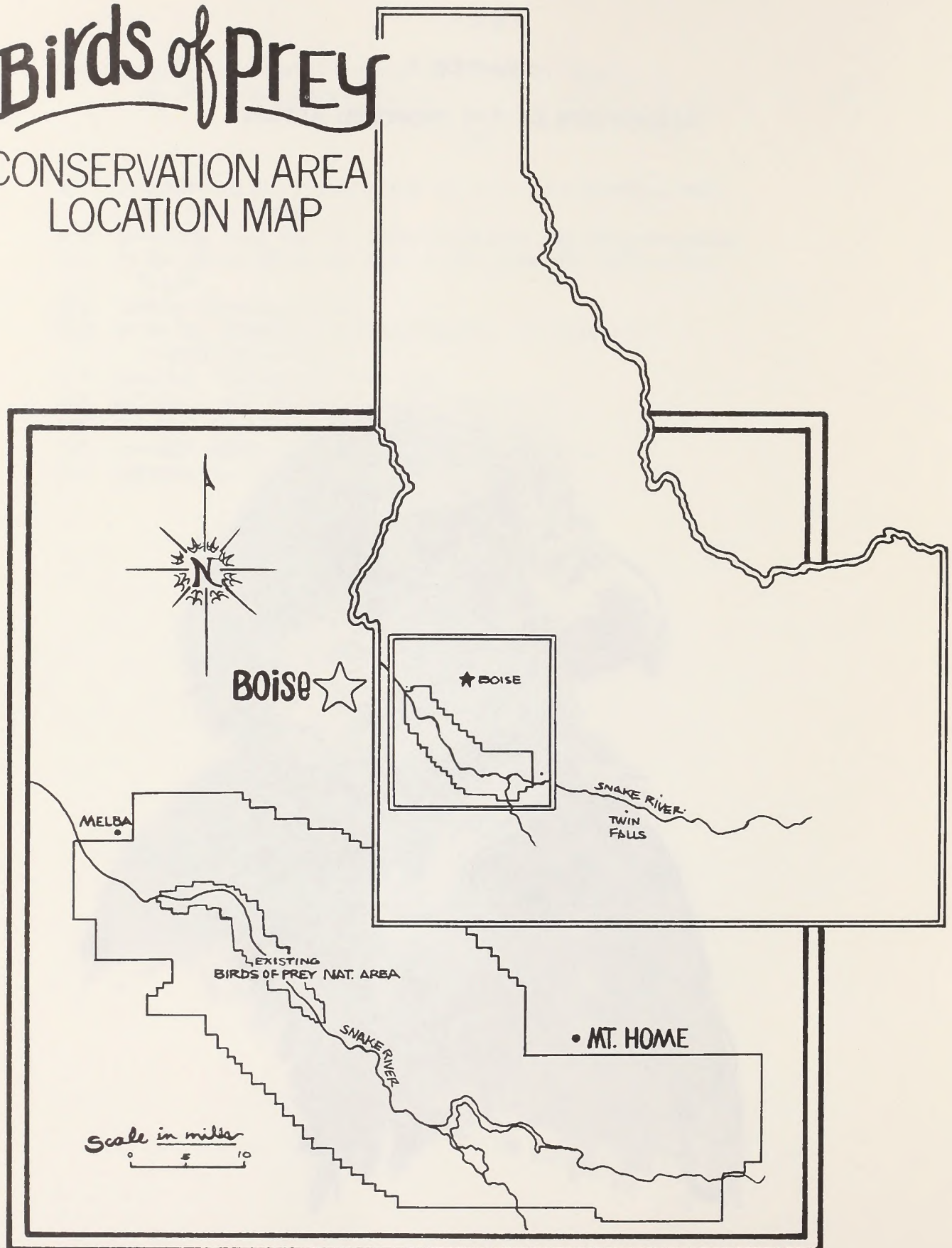
### DESCRIPTION OF THE PROPOSED ACTION





# Birds of Prey

## CONSERVATION AREA LOCATION MAP





## CHAPTER 1

### INTRODUCTION

Just 30 miles south of Boise, Idaho, amidst the sheer basalt cliffs of the Snake River Canyon that interrupt the adjacent sagebrush desert, is the densest known nesting population of eagles, hawks, falcons, owls, and other birds of prey in North America. Over 600 pairs of 15 species of birds of prey (including 128 pairs of ravens) return to the canyon each year to breed and rear their young. Included are 209 pairs of prairie falcons, (representing perhaps four to five percent of the entire nesting population of the species), 34 pairs of golden eagles, along with kestrels, great horned owls, screech owls, barn owls, burrowing owls, long-eared owls, red-tailed hawks, ferruginous hawks, Swainson's hawks, marsh hawks, ravens, and turkey vultures (See Appendix A for scientific names).

Since the late 1940's, when the quality of this wildlife resource was first recognized, this area has gained national prominence and international acclaim (Olendorff and Kochert 1977). On August 24, 1971, Rogers C.B. Morton, then Secretary of the Interior, dedicated these lands as the Snake River Birds of Prey Natural Area (hereafter Natural Area) "that the eagle, the falcon, and other raptors may soar free for man's inspiration and in memory of Edward C. Booker, Boise District Manager from 1962 to 1969, who recognized the meaning of this canyon and charted a course to preserve its worth." On October 12, 1971, 26,714 acres of public land were withdrawn under Public Land Order Number 5133. Thirty-three miles of river canyon and cliffs were thus protected.

During the fall of 1972, the Bureau of Land Management (BLM) initiated a year-round comprehensive study of all raptors in the Natural Area to gather basic information for the management of their populations and habitats. Researchers subsequently determined that the original 26,714 acres encompassed only a portion of the major nesting habitat and very little of the hunting territory used by the raptors. It was also evident that every year more land was being planted to crops under public land disposal laws, specifically the Desert Land Act and the Carey Act (see Glossary for a description of these laws). Intensive farming destroys jackrabbit and ground squirrel habitat. Research investigations found no jackrabbits or ground squirrels inhabiting these newly developed farmlands. With each new conversion of native rangeland to irrigated farm, the populations of these important raptor prey species continued to decrease.

In 1975 the BLM issued a temporary moratorium on processing Desert Land and Carey Act applications in a 278,227 acre area of public land adjacent to the Natural Area and to an additional 40 miles of river canyon upstream from the Natural Area (Table 1-1). This new addition is known as the Natural Area extension. All of these lands--the Birds of Prey Study Area--were considered to be significant habitat for raptors and their prey. It was essential to keep them in a natural state while the BLM research project proceeded.



In 1977 the studies showed that the raptors were using even more desert land for their hunting areas. As a result, the Secretary of the Interior issued a directive on September 29, 1977, for the BLM to establish a new study area boundary (including an additional 234,025 acres (Table 1-1)) based on current research findings.

TABLE 1-1  
Land Status In the Birds of Prey Study Area\*

<u>Action</u>	<u>Public</u>	<u>Private</u>	<u>State</u>	<u>Total</u>
1971 Birds of Prey Natural Area Withdrawal	26,714	4,683	831	32,228
1975 BLM Administrative Moratorium	278,227	156,842	17,357	452,426
1977 Expansion by the Secretary of the Interior	234,025	76,589	37,747	348,361
TOTAL	538,966	238,114	55,935	833,015

\* BLM jurisdiction applies only to public lands.

Under this directive, the BLM and the Bureau of Reclamation were directed to suspend all actions in the expanded study area that might conflict with or in any way jeopardize the raptor prey habitat until such time as a permanent boundary for protection could be established and a management plan for the land could be implemented. Those land uses that did not conflict with use of the area by birds of prey could still be allowed. The Secretary also directed the two agencies to develop, by June 1979, alternatives (including proposed legislation) which would permanently protect the lands necessary to meet the objectives of the Conservation Area (see below).

The intensive research is now complete; data have been computerized and analyzed. Final research recommendations placed a boundary around the land necessary to protect and maintain the present density of birds of prey. Formal establishment of this boundary and implementation of related recommendations are the subject of this environmental statement.

#### PROPOSED ACTION

The BLM proposes that 81 miles of the Snake River Canyon and about 515,257 acres of adjacent public land in Ada, Canyon, Elmore, and Owyhee



counties, Idaho, be designated by Act of Congress as the Snake River Birds of Prey National Conservation Area (hereafter "proposed Conservation Area"). The most expedient method would be to amend Title VI of the Federal Land Policy and Management Act of 1976 (FLPMA) (P.L. 94-579). The area would continue to be managed in accordance with the existing "Management Plan for the Proposed Birds of Prey National Conservation Area" (BLM, Boise District, October 30, 1978) until a thorough update and revision is finalized as soon as practicable after enactment of the enabling legislation.

If implemented, this proposal would prohibit mineral entry, location, and patent under the 1872 Mining Law (subject to existing valid rights). The proposal would also remove these public lands from application, selection, entry, or patent under the Desert Land Act, the Carey Act, and the State of Idaho Admission Act. However, the Secretary of the Interior could still 1) issue leases under the Mineral Leasing Act (41 Stat 437; 30 USC 181 et. seq.) or Geothermal Steam Act (84 Stat 1566; 30 USC 1001-1025); 2) lease locatable minerals which would ordinarily be disposed of under The 1872 Mining Law; 3) enter into cooperative agreements with the State of Idaho for continued National Guard use of some of these lands, as provided in the land-use plan developed for the area under Section 202 of FLPMA; and 4) continue issuance of livestock grazing permits or other use permits that would not result in a degradation of raptor populations or habitats. All leases, permits, and agreements would contain stipulations and/or conditions that the Secretary of the Interior deems necessary to protect and maintain the raptor habitat, as well as the scenic, scientific, and environmental values. In addition, the proposed Conservation Area designation would in no way change the responsibilities of the BLM to protect cultural values, threatened or endangered species, or other scarce resources.

State-owned and private lands would not be affected by the proposed designation as BLM has management jurisdiction only on public lands.

### Objectives

Objectives for the management of the proposed Conservation Area are as follows:

- *To protect and maintain a complete ecosystem which includes a unique and fragile combination of desert, river, and volcanic cliff complex and which supports and maintains the highest known density of nesting raptors in North America.*
- *To protect and maintain the raptors, their habitat, and the scenic, archaeological, educational, recreational, and other values associated with the involved public lands for public enjoyment and study in perpetuity.*



- *To update, revise, and continue implementation of a long-range multiple-use and sustained-yield management plan that emphasizes management and protection of raptor habitat, as well as the management and use of other natural resources.*

In accomplishing these objectives, the BLM will continue to work cooperatively with State agencies, other Federal agencies, and private or public organizations to manage, protect, and preserve this nationally and internationally significant wildlife resource. No single use will be permitted in the proposed Conservation Area that may jeopardize the continued existence of raptor populations at levels recorded for the Study Area (see Chapter 2) during the intensive BLM research (1976-1978 averages).

### Boundary Proposal

Map 1-1 depicts the boundary of the proposed Conservation Area. Within this 719,914-acre area, 515,257 acres are in federal ownership and are administered by the Bureau of Land Management, approximately 43,619 acres are State land, and 161,037 acres are in private ownership. None of these State and private lands would be affected by the proposal. The proposed Conservation Area is significantly larger than the existing Natural Area (which comprises 32,228 acres including 5,514 acres of private and State lands), but it is 113,101 acres smaller than the expanded Study Area (see Table 1-1). This boundary is based primarily on the needs of the birds of prey as revealed by the intensive BLM research on holistic ecosystem management and protection principles as they relate to setting aside biological preserves.

In general, the theories of setting aside preserves emphasize the importance of large reserves in protecting natural species diversity. Preserving large areas the size of the proposed Conservation Area helps to ensure ecosystem stability and minimizes extinction rates (Diamond 1975, 1976).

Whitcomb et al. (1976) summarizes the desirability of large preserves as follows:

"...the size of ecological preserves should be maximized because (i) large areas have high immigration rates and low extinction rates; (ii) some taxa require very large areas for survival; (iii) preservation of entire ecological communities, with all trophic levels represented, requires large areas; (iv) large preserves are better buffered against human perturbation and natural disaster; (v) large areas are necessary to minimize the pressures of predation, parasitism, and competition exerted by species abundant in the disturbed areas surrounding the reserves; (vi) failures of small reserves, originally considered adequate, have been amply documented; and (vii) the irreversibility of fragmentation demands a conservative preservation strategy."

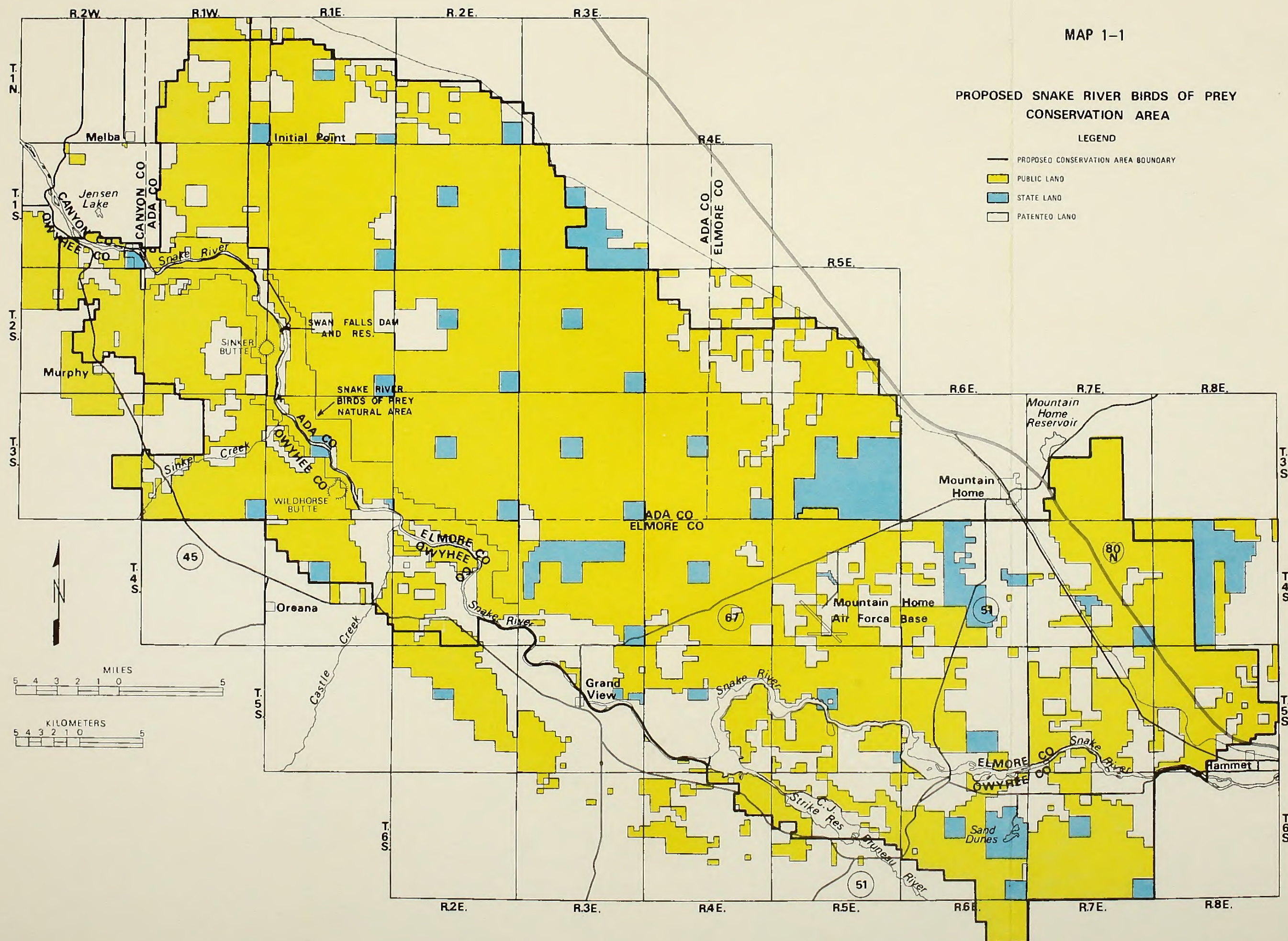


MAP 1-1

PROPOSED SNAKE RIVER BIRDS OF PREY  
CONSERVATION AREA

LEGEND

- PROPOSED CONSERVATION AREA BOUNDARY
- PUBLIC LAND
- STATE LAND
- PATENTED LAND







With regard to the shape of reserves, Diamond (1975), Wilson and Willis (1975), and MacMahan (In Press) recommend a round reserve because of the high area to perimeter ratio of such a configuration. This shape should be less susceptible to outside influences and minimizes dispersal distances within the reserve. Administrative and geographic considerations may dictate oblong or other shapes; in any case, however, blocks of land (such as the proposed Conservation Area) will function better as a preserve than long linear areas (such as the existing Natural Area) which do not encompass complete functional ecosystems. Each preserve ideally should contain self-sustaining populations.

The boundary proposal for the Conservation Area adheres closely to these theoretical considerations, as well as to the practical considerations (based on field observations) of designing the area to include natural assemblages of plant and animal species and mosaics of normal and successional stages. Reserves should present a "... reasonable facsimile of the entire functioning ecological community they are intended to represent" (Whitcomb et al. 1976). This is the first and foremost objective of the proposed Conservation Area (see above).

The biological boundary recommendation and the recommendation for prohibiting further large scale irrigation projects were based on comprehensive, scientific research. The research effort and the resulting report were critically reviewed by BLM scientists, scientists from the academic community, the Smithsonian Institute, and the U.S. Fish and Wildlife Service, all of whom agreed that the conclusions and recommendations were based on sound, scientific data.

#### AUTHORIZING ACTION

The research findings, this environmental statement, and the draft legislation will be submitted to the President by the Secretary of the Interior. Then, after reviewing the documents, the President may make a recommendation to the Congress. The final decision to so amend the Federal Land Policy and Management Act rests with the Congress.

#### ADMINISTRATION AND MANAGEMENT

Management of BLM-administered lands in the proposed Conservation Area currently provides for: 1) protection and maintenance of the habitat conditions for wildlife, with emphasis on raptors; 2) protection of scenic, natural, historic, and other values that contribute to public use and enjoyment; 3) land uses (including recreation, livestock grazing, Idaho National Guard training exercises, etc.) which do not substantially interfere with meeting the objectives of the proposed Conservation Area; and 4) management of public use through public education and cooperation, supplemented by law enforcement when necessary.

No facilities, or additional costs, above the current program are planned at this time. An expected increase in visitor use to the area (with or without the proposal) would require 2 full time and 2 temporary law enforcement type personnel, which has been identified in the present management plan for the area.



The management philosophy for this area is to permit a high level of multiple-use activities without directly or indirectly threatening the existence and/or natural functioning of the ecosystem and the resulting population densities and productivities of the nesting raptors. Management activities are presently conducted in accordance with the "Management Plan for the Proposed Birds of Prey National Conservation Area" (BLM, Boise District, October 30, 1978). This plan prescribes the following:

- A. Manage the Natural Area and Study Area according to principles of multiple use, but maintain the prey base and nesting habitat for raptors as a primary emphasis of management. Permit other uses only when compatible with maintaining continued high raptor densities and productivities. This may require continued control of activities which, either directly or indirectly, may diminish raptor nesting and/or feeding opportunities. Such actions presently include restrictions on shooting during critical times of the year, use of the surrounding air space, and off-road vehicle (ORV) use. Enforce these restrictions by patrolling the area during periods of high public use.
- B. Give management priority to species listed as threatened or endangered by the U.S. Department of Interior, and to those species designated as "sensitive" or having a "high public interest" by the Idaho Department of Fish and Game. Included here are the golden eagle, prairie falcon, peregrine falcon, bald eagle, osprey, white sturgeon, merlin, ferruginous hawk, bobcat, river otter, and spotted bat.
- C. Manage the habitat for species forming the raptors' prey base. Depending on the raptor species, this includes rodents, rabbits, birds, reptiles, and fish.
- D. Monitor raptor and prey populations to determine what impacts management and multiple-use activities are having on the ecosystem. Use these monitoring data to justify changing management actions to meet these objectives.
- E. Manage the habitat for other forms of wildlife, such as waterfowl, upland birds, deer, furbearers, and fish, in a manner consistent with the objectives of the proposed Conservation Area.
- F. Preserve unique natural systems and processes as directed by the Federal Land Policy and Management Act.
- G. Control all kinds of development of public lands within the area. Because beneficial raptor habitat management practices are of priority within the area, any development must be carefully planned, fully justified, and consistent with other land uses in the area.



- H. Monitor and regulate public access, use, and recreational activities to protect raptors and their nesting activities.

These management recommendations would continue to be implemented should the proposed Conservation Area be established, at least until the existing plan is updated and/or revised.

#### INTERRELATIONSHIP WITH THE BUREAU PLANNING SYSTEM

The concept of a Snake River Birds of Prey National Conservation Area was developed through the BLM's land-use planning process. This process was guided by the basic resource inventory data contained in the Saylor Creek, Kuna, and West Owyhee Unit Resource Analyses (URA) and by management decisions developed in the corresponding land-use plans called Management Framework Plans (MFP).

In 1970 the Bureau's Boise District began its planning effort for the Kuna Planning Unit, which contains the majority of the crucial habitat for the raptor prey species. It was the Kuna MFP that first detailed the need to establish a "buffer zone" for raptors along the Snake River Canyon. Research was recommended to determine the land base necessary to support the prey species required to maintain the present population of raptors that nest and raise their young in and along the canyon. The Saylor Creek MFP was completed in 1972. A management decision regarding raptors recommended the following: "...locate, record, and protect nesting habitat of golden eagles, prairie falcons, and other raptors."

In 1972 and 1973 the Boise District initiated the West Owyhee planning effort and completed it in July 1975. This plan essentially recommended that no actions be allowed within the Birds of Prey Study Area (hereafter "Study Area") that would significantly affect the raptors or their habitats until ongoing research was completed.

In May 1976 a more detailed Habitat Management Plan (HMP) was developed specifically for the Natural Area and Study Area. This HMP included discussions of management objectives and recommendations relating not only to raptors and their habitats, but also to other wildlife habitat, public use, archaeological values, general access and development, research needs, and land acquisition priorities. In August 1976 this HMP was formally acknowledged as the comprehensive management plan for the area pursuant to Title II of the Sikes Act (P.L. 93-452). This was accomplished through a Memorandum of Agreement between the Director of the Idaho Department of Fish and Game and the Idaho State Director of the BLM.

It was this progression from the three URA's and MFP's, the detailed HMP, and the Sikes Act agreement that generated the "Management Plan for the Proposed Birds of Prey National Conservation Area" discussed in the preceding section of this chapter, Administration and Management. Thus,



the development of the proposed action considered in this environmental statement has been thoroughly planned and researched. The draft environmental statement was made available to the public on July 5, 1979.

The Management Framework Plan for the Owyhee Planning Unit (Step 1) recommends: "Establish the Snake River Birds of Prey National Conservation Area as shown by the proposed boundary...Retain all federal lands within this area and manage these lands in accordance with the principles outlined in the Management Plan, Final Environmental Impact Statement on Birds of Prey and follow-up decision documents." This Management Framework Plan (Step 1) was completed in September, 1979.

#### INTERRELATIONSHIP WITH STATE, LOCAL, AND OTHER FEDERAL AGENCIES, PRIVATE GROUPS, AND UNIVERSITIES

Bureau of Reclamation (BuRec) - The only other Federal agency with public land jurisdiction in the proposed Conservation Area is BuRec. BuRec withdrawals cover nearly 164,000 acres, of which over 21,500 acres are in the existing Natural Area (see Map 1-2). Unless otherwise directed by the Secretary, BuRec plans to retain the withdrawals along the Snake River Canyon because of the potential for hydroelectric development. The lands on the Snake River Plain adjacent to the canyon were set aside for their agricultural potential in the event BuRec developed irrigation facilities to serve the area. Under the proposed legislation, all withdrawals within the area would be reviewed and those no longer needed would be modified or revoked, and managed under the objectives of the Conservation Area.

U.S. Air Force - Approximately 3,680 acres of public land are withdrawn under Public Land Order No. 987 for the Mountain Home Air Force Base. Due to the nature of flight patterns and activities by the Air Force, no conflict is expected to arise between the operation of the Mountain Home Air force Base, its training and national defense role, the economic return it provides the surrounding area, and the proposed National Conservation Area designation. Current operations of the Air Force in the area would continue.

Fish and Wildlife Service (FWS) - Two endangered species, bald eagles and peregrine falcons, occur within the proposed Conservation Area. Section 7 of the Endangered Species Act requires a formal consultation with the FWS whenever any action may affect an endangered species or its habitat, even though the action may be beneficial to the species. The required consultation was completed on January 23, 1979. The FWS biological opinion indicated that the proposed Conservation Area will likely promote the conservation of the two endangered species.

Idaho National Guard - Since 1953, the Idaho National Guard has been conducting military exercises in a portion of the proposed Conservation Area. During 1978, 40 training exercises were conducted involving a strength of over 6,300 personnel. The military maneuver permit issued to the Guard by BLM covers 122,600 acres, about 15,000 acres less than the

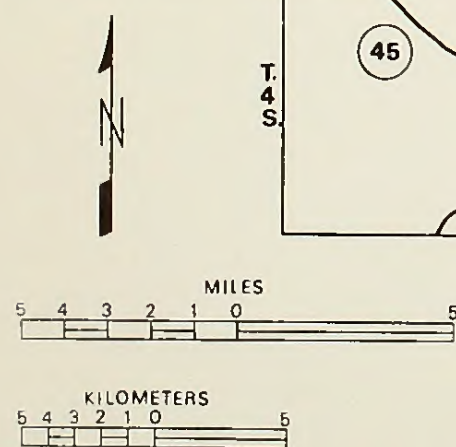
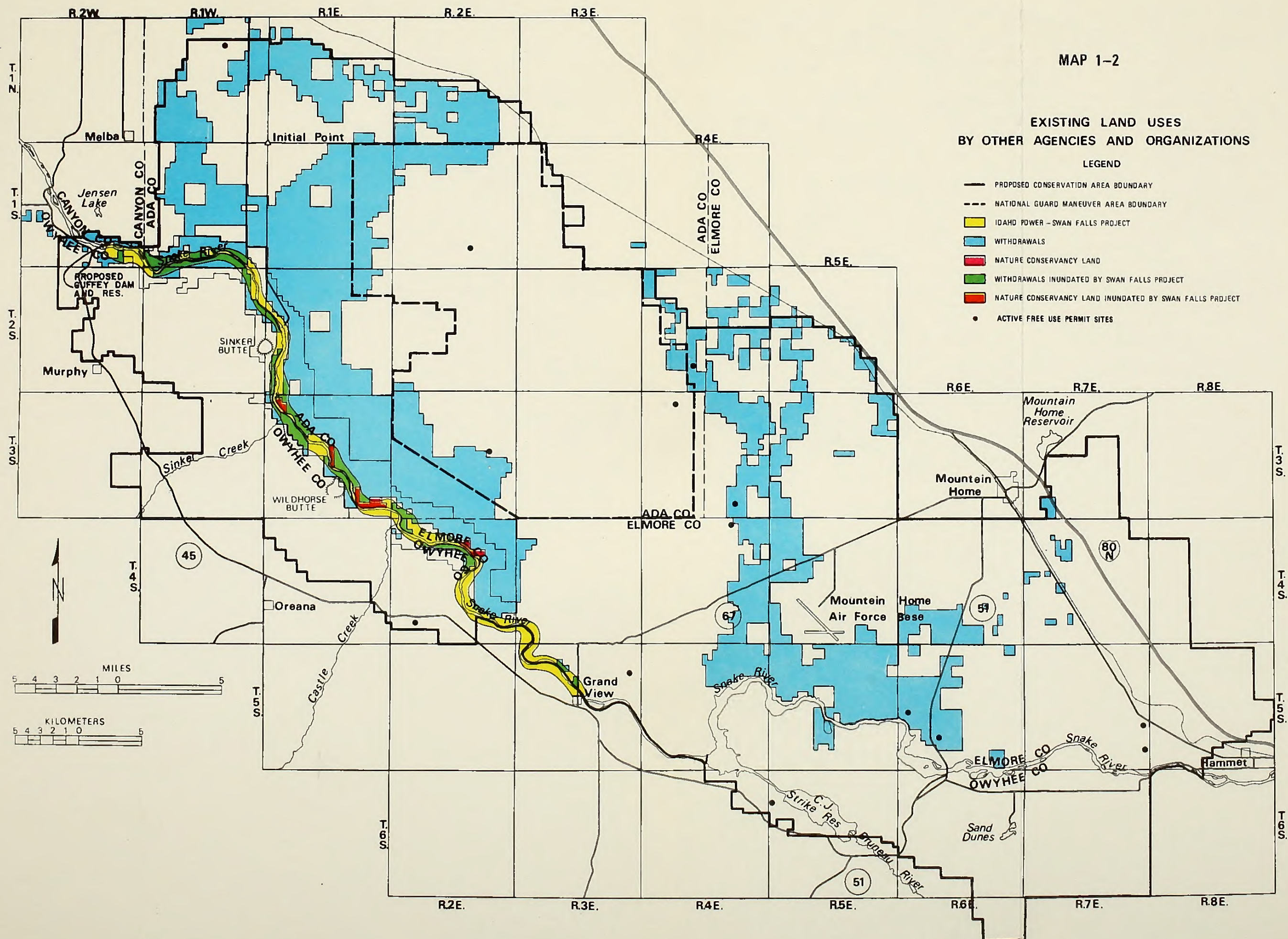


MAP 1-2

# EXISTING LAND USES BY OTHER AGENCIES AND ORGANIZATIONS

## LEGEND

- PROPOSED CONSERVATION AREA BOUNDARY
- - - NATIONAL GUARD MANEUVER AREA BOUNDARY
- IDAHO POWER - SWAN FALLS PROJECT
- WITHDRAWALS
- NATURE CONSERVANCY LAND
- WITHDRAWALS INUNDATED BY SWAN FALLS PROJECT
- NATURE CONSERVANCY LAND INUNDATED BY SWAN FALLS PROJECT
- ACTIVE FREE USE PERMIT SITES







original permit (Map 1-2). The reduction was made to protect an important white sage area (a unique plant community), to keep military maneuvers away from a powerline, and to keep the maneuvers from directly interfering with the raptors in the canyon.

Idaho Department of Fish and Game (IDFG) - A Memorandum of Agreement for administration of the Natural Area and Study Area was entered into on August 19, 1976, between the IDFG and the BLM (see above). In this agreement the IDFG is delegated the authority to enforce all BLM regulations and the Idaho Fish and Game Code to ensure the protection and conservation of wildlife in the two areas. In light of the fact that the Snake River Birds of Prey effort involves primarily nongame species, and because the IDFG must emphasize game management in expending their funds, BLM has been encouraged by IDFG to continue working toward protecting the wildlife resource in the Study Area. Cooperation has been close throughout the development of the current proposal.

Idaho Department of Lands - Within the proposed Conservation Area are about 43,600 acres of State-owned lands, of which slightly more than 25,000 are the subject of an exchange proposal with BLM. The exchange would consolidate Federal ownership in the Study Area and block up State ownership along the boundary and outside it. However, the proposed designation is independent of any land exchange proposals. Therefore, other than to identify these lands as part of the ecosystem, specific impacts with or without these lands were not addressed. Meetings between BLM and the State Department of Lands were discontinued at the direction of the Land Board on August 21, 1979.

The proposed designation would preclude selection of public lands within the Conservation Area under the State of Idaho Admissions Act. Upon gaining statehood, Idaho was given sections 16 and 36 within each township. Some of these sections were withdrawn and unavailable due to National Park, Forest Service, or Indian Reservation status. The Act allows the State to select other Federal lands amounting to the same acreage, in lieu of the unavailable lands. The State has applied for their entitlement under the lieu lands provision. All of these lands are outside of the proposed Conservation Area.

The involved State of Idaho agencies were contacted and kept fully informed on the proposed designation. This is reflected in the following:

- (a) Sikes Act Agreements were signed by the Director of The Department of Fish and Game and revised following the expansion of the study area. This is discussed above.
- (b) Once the boundary of the ecosystem was known and a proposed boundary for the proposed Conservation Area was drawn, the following was completed:
  - (1) Continuing discussions to formulate a 25-year Memorandum of Understanding which would assure the continued use by the Idaho Military Division. This Agreement was finalized on June 25, 1979.



(2) Meetings were initiated on April 17 with the Idaho Department of Lands looking toward possible exchange of lands. These meetings continued regularly until a fairly firm workable proposal was almost ready to present for review by the Land Board. These meetings were discontinued at the direction of the Land Board on August 21, 1979.

(3) On April 25, 1979, June 12, 1979 and July 23, 1979, Governor Evans and his staff were briefed by BLM.

(4) May 15, 1979, a briefing was held with the Governor's staff plus affected Department heads or their representatives. This involved Director, Department of Water Resources (Steve Allred); Director, Idaho Department of Parks (Dale Christenson); Idaho Department of Fish and Game (Robert Salter); Idaho Department of Lands (Jack Gillette). The draft of proposed legislation and the boundary proposal were prepared.

(5) Ten copies of the DES were sent to the State Clearing House for distribution to State agencies for review and comment on July 5, 1979, in accordance with the Memorandum of Understanding.

(6) Individual members of the State Land Board were briefed as follows:

- July 16 - 10:00 a.m., Joe Williams, State Auditor
- July 16 - 1:30 p.m., Jerry Evans, Superintendent of Schools
- July 19 - 1:30 p.m., Pete Cenarrusa, Secretary of State
- July 20 - 1:30 p.m., David Leroy, Attorney General
- July 23 - 11:00 a.m., Governor John Evans

(7) Lt. Governor Phil Batt and most of the Land Board members toured the area in a State chartered bus on August 20, 1979. Even though BLM advised them that the birds had generally left the area, two BLM employees accompanied the tour. The BLM research leader and the management biologist served as panelists to answer questions in Mountain Home that day.

On December 14, 1979, BLM received a letter from Governor John Evans concerning establishment of a National Conservation Area. A copy of this letter is included in Appendix C.

Ada, Canyon, Elmore, and Owyhee Counties - A cooperative law enforcement agreement is negotiated annually between the Ada, Elmore, and Canyon County Sheriff Departments and the BLM to improve law enforcement in the Natural Area. The BLM contracts for county enforcement of ORV and shooting restrictions and other applicable ordinances within each county portion of the area. The proposed Conservation Area encompasses rural lands within each of the four counties. County comprehensive land-use plans favor such uses as grazing, farming, recreation, and open space. Ada County has specifically endorsed the concept of the Natural Area (Section 15, Ada County Comprehensive Plan).



Law enforcement patrols contracted with the counties were as follows in Fiscal Year 79:

Ada County: April 1 - June 30 3x/week  
July 1 - Sept. 30 2x/week  
Patrols were conducted each Saturday and Sunday with one additional patrol during the week from April 1 Sept. 30. Duration was 4½ hours per patrol.

Canyon County: March 1 Sept. 30  
Saturday and Sunday of each week. Duration was 3 hours per patrol.

Elmore County: March 1 - Sept. 30  
Two patrols per week; no specific days. Duration was 5 hours per patrol.

These contracts will be renewed in FY 80. Owyhee County cancelled their contract just prior to March 1, 1979. BLM is negotiating with Owyhee County for a contract in FY 80.

Idaho Power Company - The boundaries of the proposed conservation area surround two Idaho Power Company hydroelectric developments; namely, Swan Falls Dam and Reservoir and C.J. Strike Dam and Reservoir. C.J. Strike has a name plate rating of 89,000 kilowatts, and Swan Falls has 12,000 kilowatts. These generating plants and associated transmission lines are essential and vital to the company's system, and are the two sources of electrical energy that are nearest to the load center of the company.

Idaho Power Company had proposed to build a two-dam complex within the existing Natural Area at the time of publication of the draft Environmental Statement (DES). Since that time, the company has developed an environmental impact report by EDAW, Incorporated, the results of which caused the company and the Idaho Department of Water Resources to postpone indefinitely the plans for redevelopment of the High Swan Falls-Low Guffey Dam plan.

However, according to Idaho Power Company, two alternatives that seem possible and productive could be, (1) to add a generator in the existing Swan Falls Dam, or (2) to remove the existing dam and power plant, and construct a new dam and larger power plant just downstream at such a height that the existing reservoir level would be maintained.

There are other schemes as well for redevelopment for the Swan Falls site so as to obtain the maximum amount of energy available from the reservoir.

In the case of C.J. Strike, the company has no immediate plans to alter or change the facility. At the conclusion of its useful life, it will undoubtedly be rebuilt. Idaho Power Company has rights-of-way throughout the Study Area for generators, transmission lines, substations, and distribution lines.



In 1977, a coalition of concerned Idaho citizens petitioned the Public Utilities Commission claiming that Idaho Power Company was not protecting its water rights below Milner Dam for hydropower generation by allowing diversion of water from the Snake River for irrigation purposes. Idaho Power countered the charge by filing suit in court against these citizens to get a court ruling in the matter. At that time, Idaho Power placed a moratorium on electrical hookups for any facilities drawing irrigation water out of the Snake River. They expect to continue this policy until a final court ruling is received in the matter.

At a November 18, 1979, Idaho Water Resources Board meeting concerning the Idaho Department of Water Resources' irrigation proposal for the Bruneau Plateau Project, Idaho Power Company publicly announced that it would vigorously oppose any additional diversion or withdrawal of water from the Snake River system. The company also stated that it would oppose all off-stream and upper Snake River water storage for irrigation purposes. According to Idaho Power, water diversion or storage would decrease annual hydroelectric power generation capability, and in the case of the Bruneau Plateau Project, cost Idaho Power customers an extra \$20 million per year because the company would have to buy electricity from other utilities at a higher cost to replace lost capabilities.

The Peregrine Fund, Inc. - The BLM and The Peregrine Fund, Inc., of Cornell University, entered into cooperative agreements in 1977 and 1978 to attempt to reestablish peregrine falcons in the proposed Conservation Area. The Peregrine Fund supplies and/or secures the young falcons, personnel for liaison, observation and biological work, necessary permits, and specialized equipment. The BLM furnishes funds, authorizes the use of public lands necessary for the reintroduction efforts, enforces mutually agreed upon regulations, supports air transportation for the falcons, and provides a vehicle and radio contact for use in the project.

According to their Western Operation Report 1979, The Peregrine Fund will not be using the cross-fostering program for reintroduction of peregrines in the future. No additional release in the Natural Area are planned.

The Nature Conservancy - The Nature Conservancy is a private organization with a primary mission of identifying and protecting ecologically unique areas. They own many acres which illustrate the natural diversity of environments in America. A secondary activity of The Nature Conservancy is purchasing land needed for parks, refuges, and conservation areas whenever a government agency is unable to do so. Later, the agency can purchase the property from The Nature Conservancy for its costs, i.e., the original purchase price plus administrative and related costs. Recently, The Nature Conservancy exercised options to purchase five crucial inholdings of private land in the Natural Area totaling nearly 900 acres (See Map 1-2). According to The Nature Conservancy, this area contains 14 known nesting sites of birds of prey. It also contains the few springs that border the river, volcanic cliffs, Indian caves, box canyons, as well as almost five miles of Snake River frontage.



Colleges and Universities - The BLM has entered into cooperative studies many times in the last seven years with Boise State University and the College of Idaho. The schools have provided students to perform biological work in the Study Area while the BLM provided equipment, vehicles and authorized the use of public lands necessary to perform the studies. The University of Montana has been actively involved in a student internship program to assist in biological work in the Study Area.

The 4 year integrated team project to investigate the biology of raptors, their prey, their spatial requirements, and the effects of cultivating their habitat involved thirteen component studies, one of which was conducted by BLM research personnel. The other twelve were conducted by the University of Idaho, Utah State University, University of Michigan, Western Illinois University, and Boise State University.

State of Idaho Department of Transportation - A significant feature within the boundaries of the proposed area is the highway network which includes Interstate 80N; State Highways 67, 51, and 45; and a number of County roads. In addition, borrow sources which provide needed materials for maintenance of these roadways, are located within the proposed Conservation Area boundaries. This transportation network consisting of roads, highways, railroads, etc., and the maintenance activities associated with this network would not be affected by the proposed action. These uses and operations necessary to maintain them would continue in the Conservation Area under FLPMA.







## CHAPTER 2

### DESCRIPTION OF THE ENVIRONMENT









## CHAPTER 2

### INTRODUCTION

The data on which the proposed Conservation Area boundary (Map 1-1) is based were collected and analyzed for the Birds of Prey Study Area. To be consistent with the technical research documents, this description of the environment will address the 833,015-acre Study Area (Map 2-1) which includes the 719,914-acre proposed Conservation Area. Conceptually, however, the discussions in Chapter 2 apply equally to both areas. The discussions in other Chapters of the ES apply only to the proposed Conservation Area itself.

General Location of the Study Area. The Study Area occupies approximately 1,250 square miles of Ada, Canyon, Elmore, and Owyhee Counties, Idaho (Map 2-1). It consists of 81 miles of parallel canyon walls with the Snake River and its narrow riparian zone between them. Also included are the adjacent uplands--about 5 miles to the south of the canyon and 15 miles to the north. Current administration and management of this area has been discussed in Chapter 1.

The nearest large cities to the Study Area are Boise (pop. 130,000) and Mountain Home (pop. 10,000), Idaho. Mountain Home is just off the northeast corner of the area, while Boise is about 30 miles due north. Major access routes through the area are Interstate 80N, Highway 45 from Murphy to Bruneau, Highway 67 from Mountain Home to Grandview, and Highway 51 from Mountain Home. Several improved county roads and unimproved trails provide additional but limited access within the Study Area.

Climate and Weather. The Study Area lies within the Upper Sonoran Desert Life zone, characterized by hot dry summers and mild winters. Annual precipitation averaging eight inches at Swan Falls, generally occurs in the winter and early spring. The growing season varies from 110-150 days. The climate is strongly influenced by the precipitation shadow of the Oregon Coast Range and the Cascade Mountains. The desert-like conditions result in a bunch grass, sagebrush-grass vegetation.

High winds are common to the area. These winds occasionally cause dust storms as they blow across unplanted fields. This temporarily decreases overall air quality which usually is excellent and free of particulate matter.

Topography. The principal physiographic feature of the study area is the Snake River Canyon. The canyon and side draws are comprised of basalt overlying softer sedimentary deposits. Cliffs and canyon walls range in height from 25 to 600 feet with the river cutting as much as 800 feet below the surrounding terrain. The elevation of the canyon near Swan Falls ranges from 2,300 feet above sea level near the floor to 2,800 feet above sea level at the rim.



Topography of the study area above the canyon is generally flat or slightly rolling. A few prominent volcanic features (isolated cinder cones and basaltic buttes) dot the otherwise flat landscape north of the river, while the lands south of the river exhibit a muted, "badlands"-like topography. The geologic origins of the Snake River Canyon are discussed later in this Chapter under "Wildlife" as part of the scenario which describes the Study Area as a complete habitat for birds of prey.

Water Resources and Fisheries. The Snake River bisects the Study Area and is the main body of water in the area. Several permanent streams flow from the basalt walls and canyons into the main Snake River Canyon. Water from these streams originates from perennial surface streams, underground springs, and return flow from agricultural irrigation.

The Snake River, a major tributary of the Columbia River, is itself one of the largest rivers in the United States. It extends about 1,000 miles from its origin on the western slopes of the Continental Divide in Yellowstone National Park, Wyoming, to its confluence with the Columbia River near Pasco, Washington. The Snake River drains an area of 109,000 square miles, including approximately 87 percent of Idaho (Laird 1964).

Major water uses of the Snake River in Idaho include agriculture, hydroelectric power production, industrial processing, and municipal uses. The Snake River has been considered the "life-line" of Idaho since the bulk of the above activities within the State lie within a 50-mile wide belt along the river and its major tributaries, contributing significantly to many local economies. Other uses of the Snake River water include aquaculture and recreational activities, such as fishing, boating, hunting, and sightseeing.

Unlike the river reach upstream of the Thousand Springs area near Hagerman, the Snake River within the Study Area has a relatively stable flow throughout the year (annual average about 11,070 cfs (USGS 1977)). This, in large part, is due to the Snake River Plain's aquifer which discharges 6,500 cfs to the Snake River, principally near Thousand Springs. Within the Study Area the river remained free flowing until 1901 when hydropower demands led to river impoundment creating Swan Falls Reservoir and later, C.J. Strike Reservoir in the 1950's.

The Bruneau River, a major tributary of the Snake, enters the Study Area in its southeastern quarter and drains a 2,650 square mile area. As in many of the other tributaries of the Snake River, the Bruneau River also has a history of fluctuating flow. Other tributaries of the Snake River within the Study Area include Castle Creek, Sinker Creek, and several intermittent streams, such as Rabbit, Birch, Little Valley, and Canyon Creeks (Map 2-1).

Water quality in the Snake River in Idaho is presently affected by agricultural activity, industrial processing plants, and untreated domestic waste water. Agricultural irrigation return flows have been found to carry sediment, nutrients, bacteria, and pesticides into the river (IDHW 1976). Municipal and industrial discharges to the Snake have

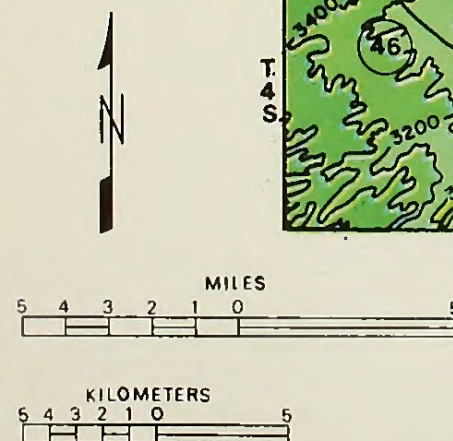
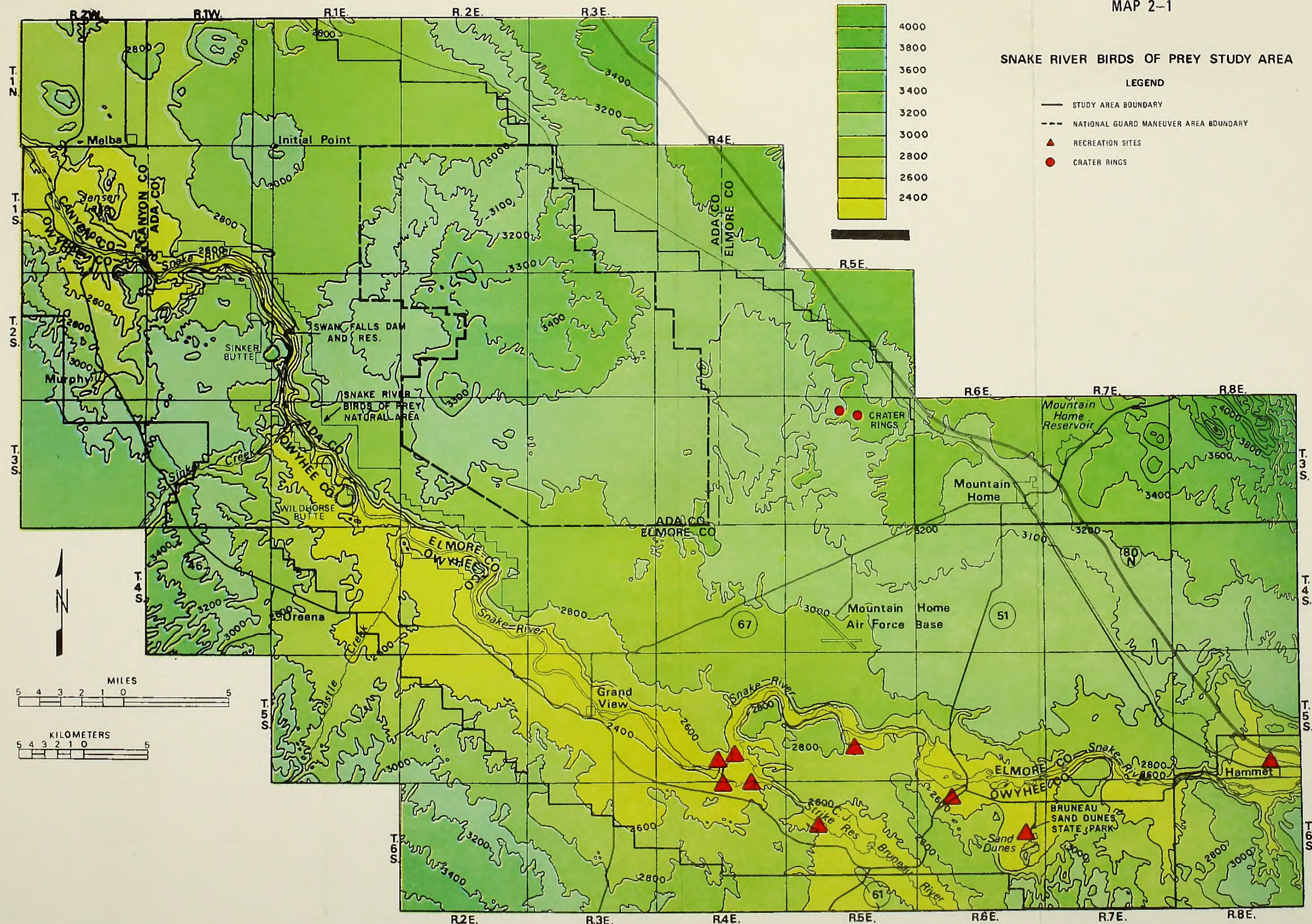


MAP 2-1

Snake River Birds of Prey Study Area

LEGEND

- STUDY AREA BOUNDARY
- - - NATIONAL GUARD MANEUVER AREA BOUNDARY
- ▲ RECREATION SITES
- CRATER RINGS







been identified as major contributors of oxygen demanding organic pollutants which can deplete the dissolved oxygen of receiving waters (USDI 1979). These discharges can also cause pH, temperature, toxicity, and bacteriological problems. Aquaculture has also increased settleable and suspended solids discharged to the river. Although most of the above activities and associated water pollution occur upstream from the Study Area, these pollutants are still carried through the Study Area. Discharge from the Snake River Plain's Aquifer just above the Study Area helps to dilute water-borne pollutants from further upstream.

At present, Snake River water within the Study Area is high in dissolved solids and nutrients (IDHW 1978). Water temperatures in mid-summer may reach as high as 78° F; winter temperatures may fall as low as 37° F. Water quality within the Study Area is presently suitable for irrigation and primary and secondary recreational contact, but it is not suitable for domestic drinking water without prior treatment.

C.J. Strike and Swan Falls Reservoirs exhibit water chemistry similar to the free flowing section of river in the Study Area. Surface water temperatures reach as high as 75° F in August when oxygen deficits occur at 40 feet and deeper.

Most of the permanent waters of the Study Area are of sufficient quality to support sizable fish populations. White sturgeon inhabit the free flowing sections of the Snake River within the Study Area. This species is on the Idaho list of sensitive species which is recognized by both the Idaho Department of Fish and Game and BLM. The sturgeon prefers swift moving waters and thus does not do well in impounded waters. It is occasionally seen in the Snake River arm of C.J. Strike pool, however. Growth rates of sturgeon in the Study Area are good; this species reaches lengths of at least 10 feet and has been recorded to weigh in excess of 600 pounds. The Study Area is currently closed to all but catch and release fishing for sturgeon. Catch rates have been as high as one fish for each six angler hours for larger sturgeon and as many as eight or nine fish up to 18 inches long in one angler day.

Of the game fish present from the eastern edge of the Study Area down to C.J. Strike Reservoir, channel catfish and smallmouth bass predominate; brown bullhead, mountain whitefish, bluegill, and black crappie are common. Rainbow trout are occasionally taken. Of the nongame fish in this river reach, northern squawfish and peamouth are abundant; suckers, carp, chiselmouth, and redbreast shiners are present in smaller numbers.

In a survey of C.J. Strike Reservoir, eleven or more species of game fish and nine or more nongame species were found; game fish comprised about half the total numbers (Reid 1974). Largemouth bass were the dominant game fish followed by bluegill, black crappie, and yellow perch. Since the completion of Reid's survey in 1973, there are indications of shifts in species abundance. Largemouth bass and black crappie appear to be declining in abundance, while channel catfish and smallmouth bass are increasing (Reid and Pollard pers. comm.).



The river reach from C.J. Strike Dam downstream to Swan Falls was surveyed in 1972 by Goodnight and Bowler. Game species constituted only 11 percent of the number of fish caught; mountain whitefish, bluegill, black crappie, and yellow perch predominated. Carp and suckers were very abundant in this river reach and northern squawfish were also present. Angler catch rates of game fish were only about one-third to one-fourth the catch rate in C.J. Strike Reservoir.

In Swan Falls Reservoir the results of two surveys indicated that less than 5 percent of the fish collected were game fish and these were so few as to be insignificant (Sigler et al. 1972; Goodnight and Bowler 1973); most were black crappie and mountain whitefish. Nongame fish species composition was similar to that of upstream river reaches.

## WILDLIFE

General Wildlife Considerations. During any given year an estimated 259 wildlife species (45 mammals, 165 birds, 8 amphibians, 16 reptiles, and 25 fishes) inhabit the Birds of Prey Study Area. Lists of species, scientific names, seasons of use, and relative occurrence are given in Appendix A. Details concerning the life histories of most of these species will not be covered here. Refer to the technical report (Kochert et al. 1979) for additional information. What will be covered here is the ecological information that explains why the existing environment is unique and especially attractive to birds of prey.

The Origin of a Rich Wildlife Habitat. Several important factors contribute to the species diversity and abundance of wildlife on the Study Area. Geology, topography, soils, vegetation, climate, and numerous other environmental factors make the Study Area a complete and stable ecosystem where both predators and prey occur in unusually high numbers. The origin of these favorable conditions of shelter and food is fundamental to the uniqueness of the proposed Conservation Area.

About two million years ago, widespread volcanic activity resulted in successive basaltic flows throughout the area now known as the Snake River Plain. Cooling of the lava caused the "blocky" nature of much of the basalt, resulting in widespread fractures in the various layers. As water flowed through the area and cut down into these layers during the hundreds of thousands of years that followed it created the Snake River Canyon. This action coupled with erosion from the wind and rain exposed literally thousands of small fractures and holes in the canyon walls which now provide shelter for any wildlife species that can use them.

Still another important geologic event occurred in the Study Area about 30,000 years ago. The Snake River Canyon was already near its present depth at the time Lake Bonneville, an ancient lake in Utah the size of Lake Michigan, spilled over the crest at Red Rock Pass into the Snake River drainage. This tremendous volume of water widened the canyon areas slightly and deposited huge boulders along the canyon bottoms. Some additional erosion of layers and pockets of sedimentary material along the cliff faces occurred at this time.



These vertical cliffs with their many fractures and holes now provide one principal characteristic of the complete raptor habitat of the Study Area: shelter and security for nest sites. But this shelter and security is also available to nesting raptors in several nearby canyons (e.g., the Snake River Canyon near Twin Falls, Idaho; the Bruneau River Canyon, and the Owyhee River Canyon), but it is not exploited to the same extent as in the Study Area.

The nesting density of birds of prey in the Study Area corresponds directly to the cliff heights found in a particular location.

There is a sharp increase in the numbers of all species of nesting birds of prey as one enters the west boundary of the Study Area. The canyon cliff complex begins at this western boundary. The nesting density is highest in the Swan Falls stretch of the canyon (where the highest cliffs occur), and it is high between Bruneau and the east boundary of the Study Area. Continuing east, upstream towards Bliss and Twin Falls, the number of pairs drops off again rather dramatically (Fig. 2-1). Such increases in raptor densities do not occur to the same degree in the other canyons mentioned previously. Thus, some other habitat characteristic helps make the Study Area (or the proposed Conservation Area) unique.

At the same time as the Snake River Canyon was being cut and the walls were being molded by the elements, the winds were depositing deep, medium-textured soils on the large flat plain above the canyon. In the existing environment these soils are vital to virtually all life forms (both plants and animal) in and around the Study Area, for they have allowed the development of an extraordinarily rich wildlife habitat. The Study Area contains the largest remaining relatively undisturbed deposit of these soils. They have remained undeveloped because once the Snake River drops down into the canyon, irrigation water cannot simply be diverted and distributed by gravity flow. Until recent years the technology for high capacity, high-lift pumps (which provide access to Snake River water from the canyon) had not been developed.

The key soil characteristic that promotes high raptor densities (at least indirectly) is texture. In these medium-textured soils small mammals can dig their burrows which remain very stable due to the dry climate. Of particular interest is the Townsend ground squirrel whose density--just as with the birds of prey--increases as one enters the Study Area from the west and decreases as the eastern boundary is approached.

The prairie falcon/Townsend ground squirrel interrelationship is particularly illustrative. The falcon nests in the fractures and holes of the canyon walls, while the ground squirrel exploits the suitable soils of the plain above the canyon. BLM's research has shown that Townsend ground squirrels are the most important prey species of prairie falcons in both numbers and biomass (Kochert et al, 1976) during the







falcons' critical reproductive stages. Ground squirrels comprise as much as 74 percent of the prairie falcons' diet during good ground squirrel years. A few other rodents, birds, reptiles, and invertebrates are also eaten, but BLM's research has proved conclusively that the high density of ground squirrels ensures the high density of nesting prairie falcons (Kochert 1979). This relationship is explored further later in this Chapter.

It is also important that this prey base is located at a higher elevation than the nesting sites. This is "...unusual for most birds of prey, and makes it very easy for the raptors to bring food to their young. Instead of lifting their quarry into high cliffs, the adults drop down from their hunting areas to get to the nests" (Nelson 1979).

Virtually the same predator-prey relationship exists between the badger and the Townsend ground squirrel. The Study Area contains the densest known population of badgers ever studied (Messick 1978). This large badger population is a result of the ideal burrowing soils and the resulting abundance of Townsend ground squirrels, the principal food source.

The national--indeed, international-significance of the Study Area (and thus the proposed Conservation Area) has been succinctly stated by Morlan Nelson (1979) as follows:

"The combination of these factors makes this area unique throughout the world as a complete habitat for birds of prey. It is not possible to go in any direction from this area without losing several of the important characteristics that make up this unique situation. The soils change, the geology changes, the climate and water supply changes; and in no other area in the Northern Hemisphere or in any other area of the world do these combinations of factors occur to such benefit to the birds of prey."

Raptor Population Densities in North America. Six hundred eleven pairs of birds of prey of 15 species nested within the Study Area in 1978. Table 2-1 shows the number of nests occupied by birds of prey in 1976, 1977, and 1978 both in the existing Natural Area and in the entire Study Area. The extraordinary magnitude of this annual assemblage of nesting raptors is evident only when comparisons are made to other parts of North America.

Data for raptor populations in some of the best habitats on this continent show the Natural Area and its extension contain the highest density of nesting raptors by a factor of 3 to 4 times (Table 2-2). On an ecosystem basis, only two extensive areas (greater than 1,000 mi<sup>2</sup>) have been systematically and thoroughly searched for large raptors. The Study Area has about twice as many nesting large raptors as the short-grass prairie of northeastern Colorado (0.33 vs 0.16 pairs per square mile). Olendorff (1975) searched 1,000 square miles of shortgrass prairie and found 158.5 pairs of prairie falcons, golden eagles, red-



TABLE 2-1

NUMBER OF NESTS OCCUPIED  
BY BIRDS OF PREY  
1976-1978

<u>Species</u>	<u>BPNA</u>			<u>BPSA</u>		
	<u>1976</u>	<u>1977</u>	<u>1978</u>	<u>1976</u>	<u>1977</u>	<u>1978</u>
Prairie Falcon	129	126	116	207	209	183
Golden Eagle	11	11	11	34	33	32
Red-tailed Hawk	25	30	26	57	62	59
Kestrel	11	17	17	25	44	44
Ferruginous Hawk	5	6	5	14	19	18
Marsh Hawk	10	9	10	21	23	23
Swainson's Hawk	0	0	0	1	1	1
Great Horned Owl	8	9	5	15	18	20
Barn Owl	4	10	7	13	40	69
Screech Owl	2	3	1	2	6	3
Long-eared Owl	2	2	5	2	3	9
Burrowing Owl	0	0	2	9	10	18
Short-eared Owl	0	0	0	0	0	2
Turkey Vulture	1	1	1	1	1	2
Common Raven	<u>46</u>	<u>56</u>	<u>51</u>	<u>114</u>	<u>120</u>	<u>128</u>
	254	280	257	515	589	611

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SOURCE: Snake River Birds of Prey Research Project Annual Report 1978.  
U.S. Department of the Interior, Bureau of Land Management.  
In preparation.



TABLE 2-2

COMPARISON OF RAPTOR NESTING DENSITIES  
IN FOUR AREAS IN NORTH AMERICA

<u>Area</u>	<u>Study Area Size</u>	<u>No. Pairs</u>	<u>No. Species</u>	<u>Density</u>	<u>Source</u>
Central Utah	80 mi <sup>2</sup>	39.5	12	0.5/mi <sup>2</sup>	Smith & Murphy (1973)
Superior Co., MI	37 mi <sup>2</sup>	64.5	9	1.7/mi <sup>2</sup>	Craighead & Craighead (1956)
Colville River, AK	183 lin. mi.	140	4	.8/lin. mi.	White & Cade (1971)
Birds of Prey Natural Area, ID*	98 mi <sup>2</sup> (81 lin. mi.)	578 (578)	15 (15)	5.9/mi <sup>2</sup> (7.1/lin. mi.)	Kochert et al. (1979) Kochert et al. (1979)

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\*Includes the Grandview to Hammet extension.



tailed hawks, ferruginous hawks, Swainson's hawks, and great horned owls. This is 0.16 pairs per square mile. On the 1,250 square mile Study Area in Idaho the comparable figure (also including barn owls, marsh hawks, and turkey vultures which were not found nesting in the Colorado area) is 0.33 pairs per square mile.

Using the high Colorado raptor populations for the comparison increases the significance of having twice as many pairs in the Birds of Prey Study Area. Howard, Wilson, and Renn (1976) estimated the total raptor population (including both large and small species) in 4,801 square miles of southern Idaho excluding the Natural Area to be 0.10 pairs per square mile. Comparable figures for the Study Area (611 pairs per 1,250 mi<sup>2</sup>) in 1978 give 0.49 pairs per square mile, i.e., nearly 5 times as many.

In summary, these comparisons show the Study Area to contain about 5 times as many nesting raptors as the rest of southern Idaho, 3 to 4 times as many as several other areas on the North American Continent, and 2 times as many as the next best known area of comparable size and habitat type.

Prairie Falcon Ecology. Research has shown that "the Birds of Prey Natural Area...may have the highest density of nesting prairie falcons in North America" (Ogden 1973). The prairie falcon is found only in the western half of North America. A recent query of 17 states, 3 Canadian Provinces, and Mexico showed that there are approximately 5,000 to 6,000 nesting pairs in North America. Therefore, the Study Area contains 4 to 5 percent of the world's total nesting population.

The numbers of nesting prairie falcons and the numbers of young they produced had been quite stable for many years prior to 1977. Because of this stability and high reproductive rate, it is believed that the prairie falcon population in the Study Area may be a pool for prairie falcon populations elsewhere. Since the Study Area produces a surplus of individuals it could be the source that repopulates less ideal habitats throughout the west (Wiens, pers. comm.)

In addition to being the most abundant nesting raptor in the Study Area, the prairie falcon also uses the most territory in its hunting forays. It consistently hunts north of the river, over native shrub-grassland ranges. Radio-tracking of adult birds showed that they regularly hunt as far as 15 miles from their nests in the canyon as compared with 3.5 miles for eagles and 3.0 miles for red-tailed hawks (Kochert et al. 1979).

Map 2-2 shows the comparison of hunting ranges for the prairie falcon, golden eagle, red-tailed hawk, and ferruginous hawk. The vast difference in hunting ranges for these four raptors is based on flight patterns, hunting strategies, abundance and location of prey, and nesting density of the species. The prairie falcons, for example, can cover a large amount of territory because of their flight characteristics. Also, the greatest numbers of ground squirrels (but not necessarily the pockets

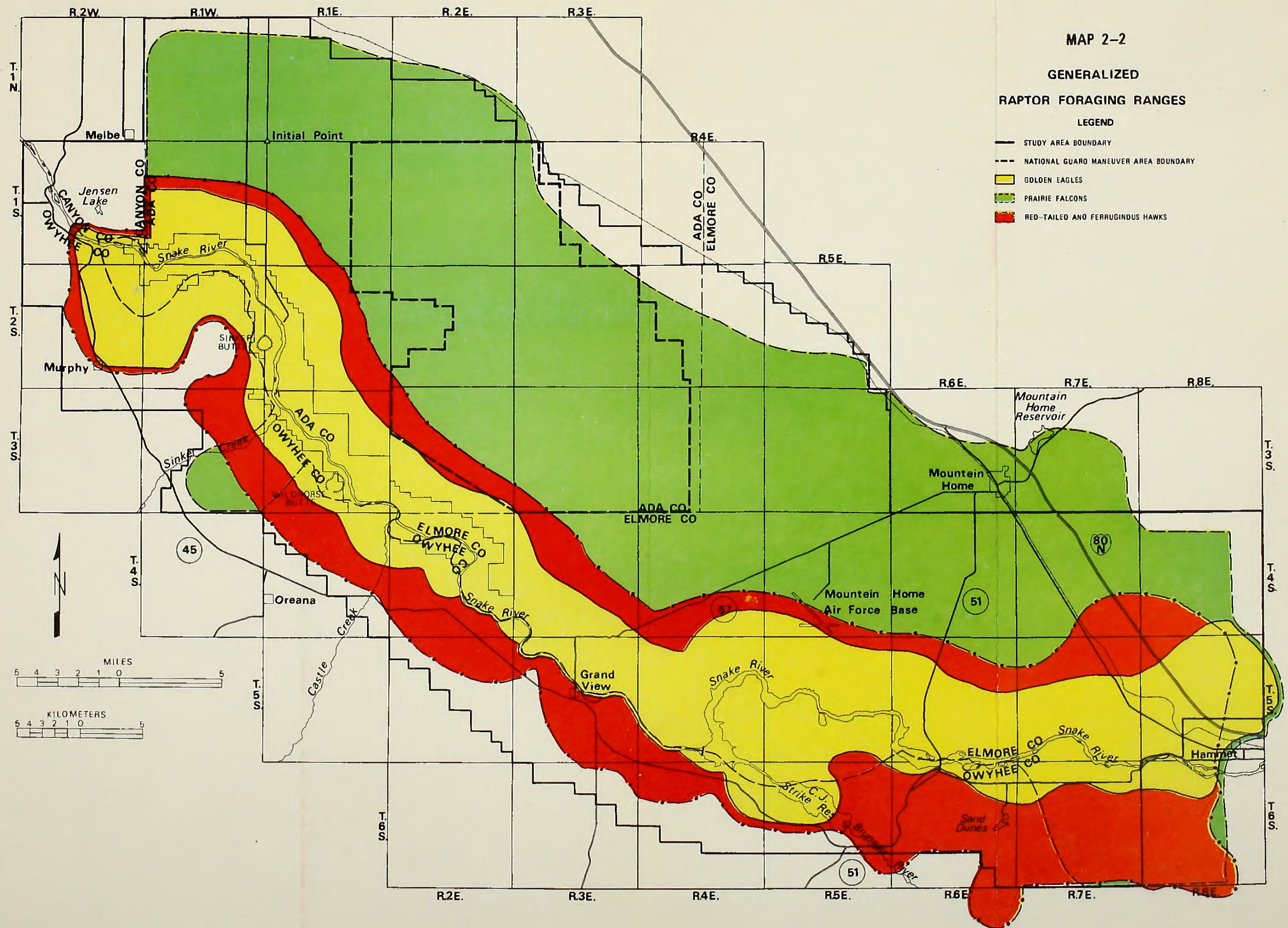


MAP 2-2

GENERALIZED  
RAPTOR FORAGING RANGES

LEGEND

- STUDY AREA BOUNDARY
- - - NATIONAL GUARD MANEUVER AREA BOUNDARY
- YELLOW GOLDEN EAGLES
- GREEN PRAIRIE FALCONS
- RED RED-TAILED AND FERRUGINOUS HAWKS









of greatest density) in much of the Study Area are at least six miles north of the canyon (Map 2-3). Competition for food close to the canyon is intense because virtually all of the raptors nest there. This is resolved in part by the falcons hunting further from the nests and not being vigorously territorial near their nest sites as is the case with golden eagles (see below).

The relationship between prairie falcons and Townsend ground squirrels is so close that 1) the adult falcons arrive in mid-February at about the same time as the adult ground squirrels emerge from winter hibernation; 2) the young prairie falcons hatch in May within two weeks of the time that vulnerable young ground squirrels emerge from their burrows; and 3) both young and adult falcons depart in late June or early July as the ground squirrels go underground to a state of estivation (semi-hibernation) to escape the heat and the dry forage conditions which prevail in late summer. Within the crucial time period between hatching of the eggs and fledging of the young birds, the Townsend ground squirrel provides the essential nourishment for adult and young falcons to continue their life cycle. Since the young falcons go from hatching to fledging within about 33 days, their growth rate, and hence the amount of biomass they need is tremendous. As described earlier, the spatial distribution of the ground squirrels is closely related to the distribution of the dense breeding population of prairie falcons.

The importance of this relationship was demonstrated in 1977 when Idaho and much of the west experienced a major drought. Research showed that among the prey species, the Townsend ground squirrel was affected the most. The lack of fall precipitation in 1976 reduced the germination of cheatgrass, the primary food source for squirrels during the late winter and early spring. Little green forage was available to squirrels when they emerged from estivation in mid-February. As a result, most ground squirrels did not reproduce. Only the few squirrels with access to green vegetation, such as irrigated alfalfa fields, reproduced. Non-reproductive ground squirrels entered estivation in late April and early May, at least a month earlier than in non-drought years (Johnson et al. 1977). Mortality among adult and yearling ground squirrels coupled with virtually no reproduction, resulted in an overall decline of approximately 65 percent in 1978 numbers of adult and yearling ground squirrels compared to the 1976-1977 numbers.

In monitoring the numbers of young produced by all the birds of prey in the Study Area, researchers recorded a large drop in young produced by prairie falcons and ravens during 1977. Fewer adult pairs bred, fewer young were produced and fewer young survived. The heavy dependence of both prairie falcons and ravens on the Townsend ground squirrels for food was reflected in their decreased capacity to produce young during a poor ground squirrel year.

In 1978 the adult ground squirrel population at emergence from estivation was lower than 1975-1977 levels due to natural mortality and the lack of population replacement in 1977. There was a slight increase in ground squirrel numbers per acre after reproduction in 1978, but the



population was much lower than in previous years. Also in 1978, fewer prairie falcons and ravens nested successfully, and fewer young were produced, again corresponding with the lower ground squirrel number.

The full effects of the drought on the prairie falcons and ravens will not be known until after 1980, due to the slow recovery rate of the ground squirrel population.

Golden Eagle Ecology. The golden eagle population of the Study Area is comparable to, but not significantly larger than, those in many other areas in the western United States. Their density (about 2½ miles between nests) is more regulated by intraspecific territorial behavior and their habit of hunting near their nest sites. Part of the reason for the phenomenal density of prairie falcons on the Study Area is their tendency toward small nesting territories in the canyon and large overlapping hunting areas up to 15 miles from the canyon. The golden eagle is not so flexible behaviorally, and thus their nesting and hunting territories are defended as one in the same unit.

Nonetheless, the golden eagle is an important component of the predator-prey relationships at work in the Study Area. Golden eagles feed on Townsend ground squirrels, but not to the same extent as prairie falcons. The eagles prefer larger prey, such as jackrabbits (60 percent), cottontail rabbits (11 percent), and ring-necked pheasants (12 percent). Golden eagles hunt by watching from perches on large rocks, rims, and power line crossbars. The eagle soars leisurely over its hunting area, covering several square miles of the canyon and its rim where sufficient numbers of jackrabbits, cottontails, and yellow-bellied marmots can be found. Radio-tracked eagles ranged about 3½ miles from their nests, both north and south of the river, over native shrub grassland and some agricultural lands (Dunstan et al. 1978). At nests near agricultural lands the eagles consistently prey on pheasants, more so than at other nests.

Other Raptors. The red-tailed hawk also depends largely on the Townsend ground squirrel for food (about 25 percent of the prey items). This hawk also eats jackrabbits (27 percent), cottontails (16 percent), reptiles (11 percent), and an assortment of rodents and birds. Red-tailed hawks have a hunting pattern similar to golden eagles: from perches on rocks, canyon rims, trees and shrubs, the ground, and power line crossbars. They also soar like eagles to locate prey, flying for as long as an hour and covering several square miles. Red-tailed hawks nest about one and one-half miles apart, are territorial, and do not compete intensively with each other for food. Most of their preferred food is also found relatively close to the canyon, the same as for eagles. Radio-tracked red-tails hunted north and south of the river, usually ranging about two miles from their nests (Dunstan et al. 1978).

Ferruginous hawks are classified as a sensitive species by the BLM, Idaho Department of Fish and Game, and National Audubon Society. Their food habits are similar to the red-tailed hawk. They nest on low cliffs



MAP 2-3

TOWNSEND GROUND SQUIRREL DENSITY

LEGEND

ESTIMATED NUMBER OF  
SQUIRRELS PER ACRE

1.2 - 1.5

3.2 - 5.9

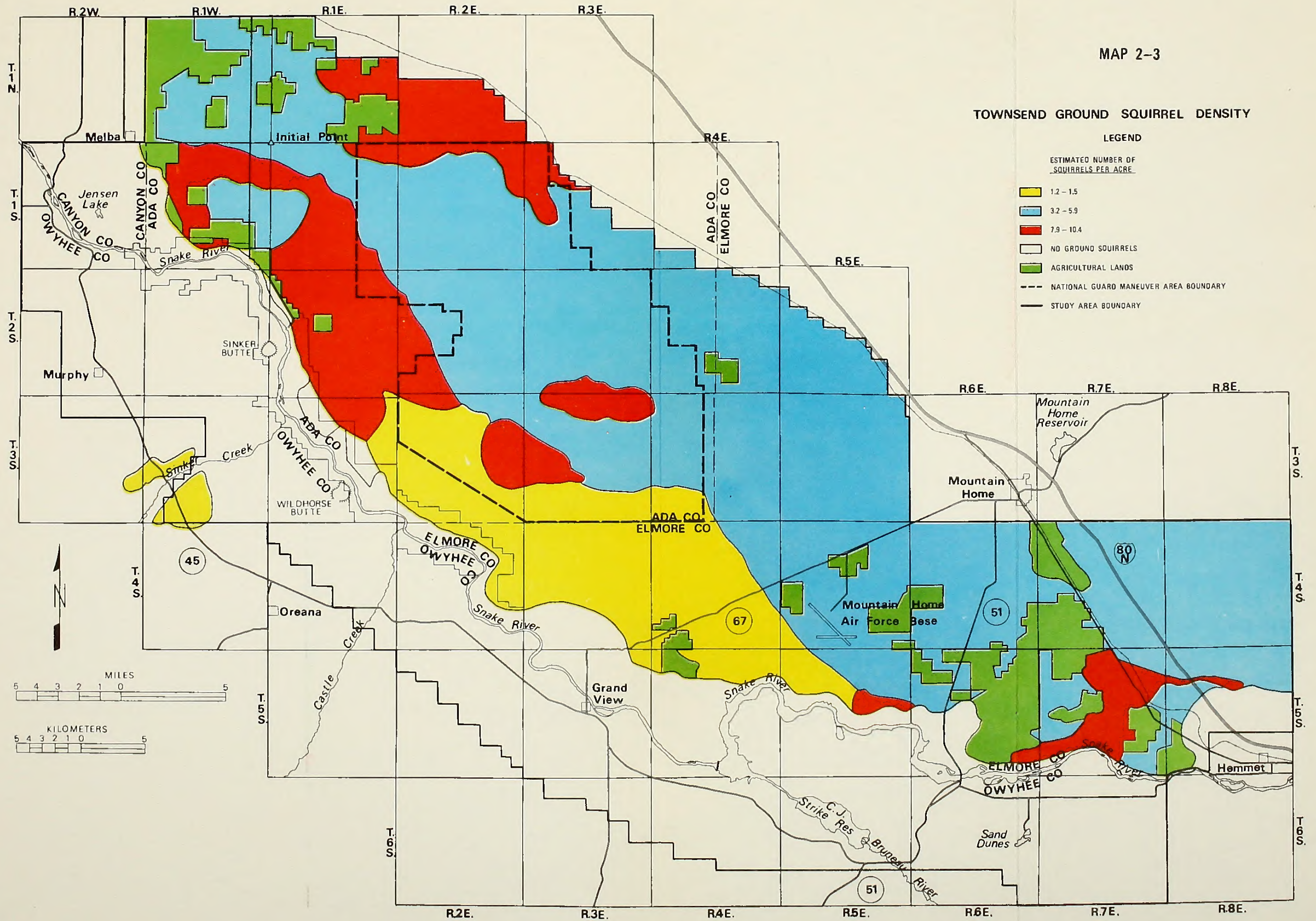
7.9 - 10.4

NO GROUND SQUIRRELS

AGRICULTURAL LANDS

NATIONAL GUARD MANEUVER AREA BOUNDARY

STUDY AREA BOUNDARY









in the canyon, in the surrounding rolling hills, and on the ground. They hunt from perches and by soaring north and south of the river. Their diet consists mainly of pocket gophers (47 percent), Townsend ground squirrels (43 percent), cottontail rabbits (4 percent), and reptiles (3 percent). The number of ferruginous hawks on the Study Area is not large, but as with other species (marsh hawks and several species of owls) their numbers are contributory to the total raptor population and its diversity.

A large population of ravens is also found within the Study Area; the raven is the second most numerous large bird of prey. Although not taxonomically considered raptors, they are included in the group because they compete with the raptors for both nest sites and food. Ravens compete directly with prairie falcons for nest sites and for Townsend ground squirrels which make up about 70 percent of the ravens' total diet.

Sensitive, Threatened, or Endangered Wildlife. Two endangered species have been seen in the Study Area. In winter, migrating bald eagles are occasional visitors to the canyon, stopping for a few months before heading north again. The peregrine falcon has been documented in the canyon occasionally since 1948. Between 1972 and 1975 a lone female peregrine lived in the canyon during the nesting season. A wild peregrine was seen migrating through the Study Area in the Spring of 1978.

In 1977 the Peregrine Fund, Inc., of Cornell University; placed three captive-bred young peregrines in a prairie falcon nest within the canyon in an attempt to help reestablish the species in the wild. The young birds were readily adopted and successfully raised by their foster parents. Since the cross-fostering program was successful, five additional captive-bred young peregrines were placed in the canyon in 1978. One was killed by a great horned owl, two were removed because of possible additional owl predation, and two fledged.

The Birds of Prey Study Area was chosen for such releases because up until 1975, a wild female peregrine occupied and defended a nest site in the canyon, peregrine falcons historically nested there, prairie falcon nests were abundant and accessible, and there were research personnel available who could provide surveillance and complete studies of the young birds.

According to the Western Operation Report, 1979, the cross-fostering program has not been as successful as other reintroduction methods and has had limited success in the Natural Area. The Peregrine Fund will not utilize the Natural Area for cross-fostered releases in the future. The Peregrine Fund will continue to release many young birds into the wild in the next several years however, in the hopes that natural populations will become established.

Nine terrestrial and one aquatic species are listed as sensitive species by the BLM and Idaho Department of Fish and Game. These species



are: spotted bat, river otter, bobcat, ferruginous hawk, osprey, merlin, long-billed curlew, burrowing owl, western ground snake, and white sturgeon.

*The following pages contain drawings and brief descriptions of some of the raptors found within the proposed Conservation Area.*



## BALD EAGLE

*Haliaeetus leucocephalus*

The National Emblem as an adult is easily identified by its white head and tail, but as an immature can be mistaken for a golden eagle because of its completely dark buff mottled appearance. However, bald eagles have bare lower legs and weigh less than golden (between 7-12 pounds). Their wing span is larger and may be up to eight feet.

Bald eagles are only found in North America and are seen in the mountain or northern areas of the country except during migration where they are found near rivers and lakes. They are found in fair numbers in southern Idaho during the winter.

Nests are usually built near the tops of tall trees and may reach a diameter of eight feet. Two to three eggs are layed in each clutch.

This species is both a scavenger and predator eating mainly fish. However, in the winter, rabbits, small rodents and birds make up much of its diet. In the eastern United States and Canada the bald eagle has decreased in numbers in the last few years primarily as a result of DDT and other pesticides.



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BALD EAGLE  
*Haliaeetus leucocephalus*



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GREAT HORNED OWL  
*Bubo virginianus*

## GREAT HORNED OWL

*Bubo virginianus*

This owl is the largest resident owl in Idaho. It has a length of 18 to 25 inches and a wingspan of 52 to 60 inches. The color is sooty brown mottled with grayish-white above and whitish with dark bars below. On the face is a black circle and a clearly defined white throat collar. The toes are fully feathered.

In the vicinity of the Birds of Prey Natural Area it is predominantly a cliff nester on ledges, in holes or in old hawk or raven nests. Their diet is primarily Kangaroo rats and jackrabbits.

They have few natural enemies, but are declining in numbers because of the encroachment of civilization. Their hooting call is the most familiar owl voice heard.



**RED-TAILED HAWK**  
*Buteo jamaicensis*



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## RED-TAILED HAWK

*Buteo jamaicensis*

The red-tailed hawk is the most common buteo in North America. It is about 18 inches long with a 48 inch wingspread. The tail on adults is red above and light pink below. The upper parts are dark grey-brown streaked and barred with lighter colors. The underside is light cream streaked with brown. Immatures, who do not obtain their adult plumage until their second year, basically look like adults except the upperside of their tail is finely streaked.

Red-tails are found from Panama to northern Canada. In southwestern Idaho this hawk is primarily a cliff nester. They lay from 2 to 4 white eggs slightly marked with brown speckles and incubate them for 30 days. Young fledge at approximately six weeks. This hawk's primary food in the Birds of Prey Area consists of Townsend's ground squirrels, small rabbits and snakes. Occasionally small birds are taken.

Red-tailed hawks can be seen year round in Idaho though many migrate in the winter to a warmer climate. This species often displays a marked animosity towards Great Horned Owls in its territory and vice versa.

## MARSH HAWK or HARRIER

*Circus cyaneus*

This thin hawk is about 17 to 24 inches long; wingspan 42 to 54 inches. The white at the base of the tail is a distinctive feature. When flying the marsh hawk holds its wings above horizontal in a V and generally has a low broken hunting pattern over marshes and fields. Females are brown while adult males are slightly smaller and pale grey.

Immature birds resemble the females. Both sexes have a conspicuous white patch at the base of the tail.

The marsh hawk is found throughout North America and in northern Eurasia. They migrate as far south as South America. They are common in Idaho all year. Nests usually consist of grasses on the ground or on low vegetation. In the Birds of Prey Natural Area these birds nest in the canyon bottom in the riparian areas.

The bulk of the diet is small mammals, mostly rodents. Occasionally they take upland game birds, waterfowl or domestic birds. Nevertheless they are valuable to man in aiding rodent control.

**MARSH HAWK  
or  
HARRIER**  
*Circus cyaneus*



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Arvid Carlisle



### AMERICAN KESTREL or SPARROW HAWK

*Falco sparverius*

This tiny falcon is 8 to 12 inches long with a 21 inch wingspan and brightly adorned with red, blue and cinnamon colors. Both sexes have red and blue crowns. The male has blue wings and a cinnamon or rusty back and tail and a white breast with black spots. The female has a cinnamon body with dark vertical streaks and vertical brown streaks on the breast.

This is strictly a New World species. It is quite common in Canada and the northern United States. In the Birds of Prey Natural Area they commonly nest in small cavities and crevices on cliffs.

The diet of this species is largely insects such as grasshoppers and dragonflies, and small mice. They are frequently seen perched on telephone poles, fence posts, or hovering in search of prey.



AMERICAN KESTREL  
or  
SPARROW HAWK  
*Falco sparverius*



BURROWING OWL  
*Speotyto cunicularia*

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### BURROWING OWL

*Speotyto cunicularia*

This small 10 inch long owl is active in the daytime and is found in the prairies, deserts and farms from Canada to South America. It is characterized by long legs and a sandy color. It frequently bobs up and down by quick bending motions of the legs. It is frequently seen perched on the ground, fence posts, or on telephone poles.

As the name suggests burrowing owls nest in abandoned burrows of rodents or badgers often close to civilization. Their food consists largely of insects and small rodents detrimental to man, and their presence should be welcomed. Care should be taken in poisoning programs aimed at rodents in order that these valuable owls are not destroyed.



### AMERICAN ROUGH-LEGGED HAWK

*Buteo lagopus*

This hawk is characterized by a light head, dark brown belly and black wrist patch on the wings. Legs are feathered to the toes. All birds generally have white on the base of the tail. One very characteristic feature of this species is its habit of hovering in mid-air.

The American rough-leg nests in the Arctic and winters in southern Idaho and elsewhere. The rough-leg is the most common wintering raptor in the Birds of Prey Natural Area and surrounding region. They leave this area usually in April to migrate to the nesting areas in Canada and Alaska. Nests are built of sticks lined with moss or down in trees or on rocky ledges. The American rough-leg is circumpolar in its distribution.

The rough-leg is present in desert areas of the west in the winter when the ferruginous, Swainson's and red-tailed hawks have migrated. It is thought that they fill that niche of preying on small mammals, rabbits and an occasional bird. In October large numbers of rough-legs arrive from their breeding grounds.



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AMERICAN ROUGH-LEGGED HAWK  
*Buteo lagopus*



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GOLDEN EAGLE  
*Aquila chrysaetos*

### GOLDEN EAGLE

*Aquila chrysaetos*

Golden eagles are the largest raptor in the Birds of Prey Natural Area, and may weigh up to 14 pounds and have a wing span of over 7 feet. Females, as with most birds of prey, are larger than males. They require 4 years or more to obtain their full dark plumage with a dark tail. Immature birds in their first year are darker than adults and are recognized by the white underwings and white tail band. Golden eagle legs are feathered to the toe. These birds obtain their name from the tawny or golden buff colored feathers on the crown of the head and nape of the neck.

Eight races of this species have been described world wide throughout the northern hemisphere. While they have drastically declined in the eastern United States, golden eagles are doing well in the West and Canada. There are probably 50,000-100,000 golden eagles in North America.

The most common nesting site is a ledge on a high rock cliff. The nest is built of stout sticks and lined with grass and may be up to eight feet in diameter. Golden eagles may nest in the same nest each year or use alternate nests. A pair may possess as many as 14 alternate nests. One to three chalky white eggs marked with brown splotches are laid in March and April and are incubated 40-45 days. Nestlings fledge the nest at about 10 weeks.

The chief food of this eagle in the Birds of Prey Area consists of rabbits. Biologists have shown a strong correlation between jackrabbit numbers and golden eagle reproduction. Golden eagles in the Birds of Prey Area are year round residents.





COURTESY  
U.S. FISH AND  
WILDLIFE SERVICE

**PEREGRINE FALCON**  
*Falco peregrinus*

#### **PEREGRINE FALCON**

*Falco peregrinus*

The peregrine is a large bird 15 to 20 inches in length with a 25 to 40 inch wingspread. It is characterized by a heavy black mustache patch and dark head. Adults are blue-grey above. The throat and upper breast are creamy white changing to pink buff with black markings on the lower breast and abdomen.

Peregrine falcons are found world wide. They are now almost extinct in the eastern United States and Canada.

Three or four reddish-brown eggs on the average are laid in a depression on cliff ledges usually near a body of water.

The peregrine falcon may be the fastest and most skillful flier of all birds obtaining a speed of 200 m.p.h. in a dive. Its prey, birds up to the size of ducks, are killed on the wing. For centuries this bird has been prized by falconers.

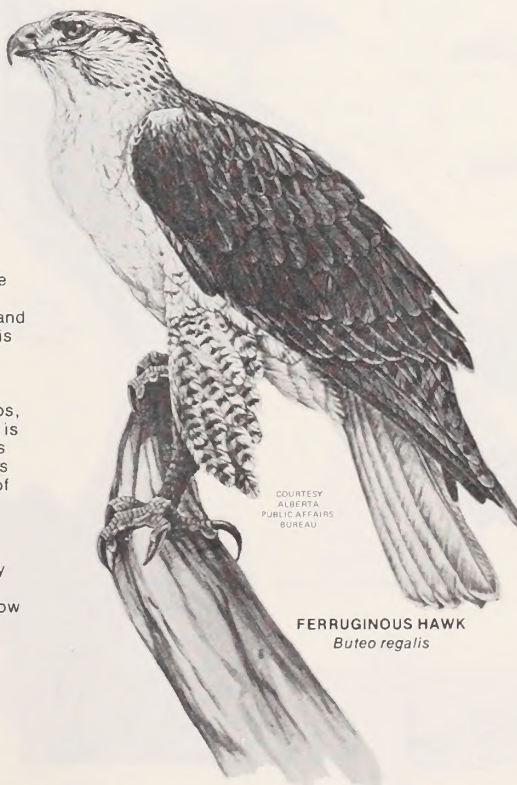
The population of this falcon is listed as endangered by the U.S. Fish and Wildlife Service. The effects of hard pesticides, notably the metabolites of DDT appear to be the major factor responsible for the decline of the peregrine as well as several other birds of prey.

#### **FERRUGINOUS HAWK**

*Buteo regalis*

The ferruginous hawk is the largest of the American buteos (broadwinged hawks genus *Buteo*) with a length of 20 inches and a wingspread of 54 inches. This species is associated with the badlands of western North America. The ferruginous hawk is generally light colored with a dark rusty brown back. There is, as with most buteos, a melanistic (dark) form. The light phase is characterized in flight by light underparts and a V formed by the reddish-brown legs held against the body and tail. The legs of this species are feathered to the toes.

Two to five eggs are laid in mid-April. Ferruginous hawks in the Birds of Prey Natural Area and vicinity build a regularly shaped stick nest largely out of big sagebrush. Nests are often placed on a low or accessible cliff. Their primary diet consists of jackrabbits, cottontails and rodents.



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**FERRUGINOUS HAWK**  
*Buteo regalis*





**PRAIRIE FALCON**  
*Falco mexicanus*

#### **PRAIRIE FALCON**

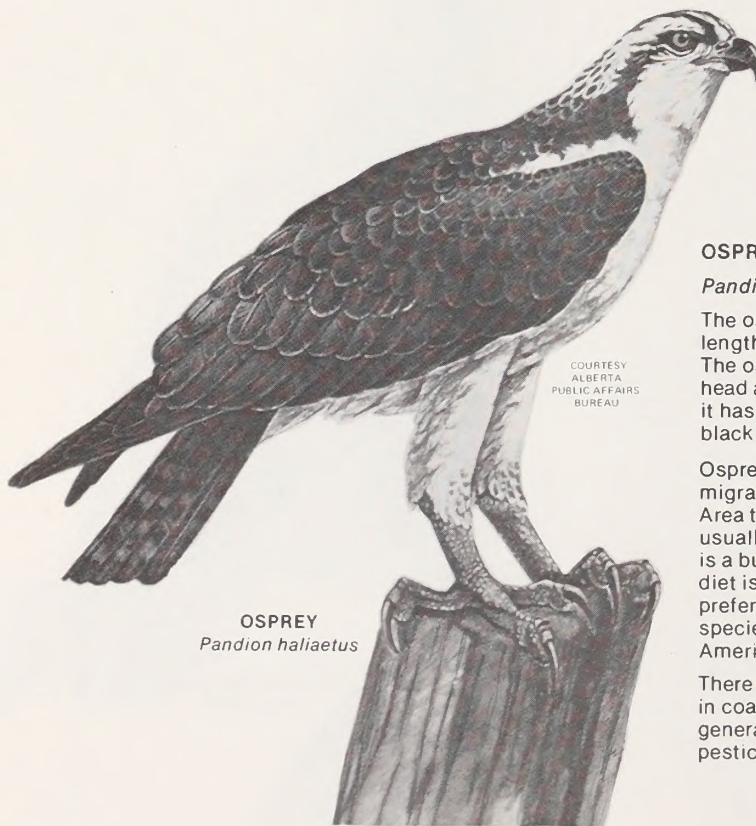
*Falco mexicanus*

The prairie is a light brown falcon of the plains and deserts 14 to 20 inches long with a wingspread of 30 to 40 inches. The plumage is sandy to brown above with white or cream streaked with brown underneath. Newly fledged young are darker above and roseate or creamy below. Their legs, feet and cere are bluish while the adults are yellow. From below prairie falcons are distinguished by the dark brown or black axillary feathers at the base of the wings. The mustache is narrow and runs vertically below the eye.

Prairie falcons occur in western North America from central Canada to northern Mexico. They have experienced local declines associated with pesticides and agricultural development. Ledges or cavities with depressions on a cliff provide eyries where three to six cream or pea green eggs are laid in scrapes of sand or gravel. They are incubated for approximately 30 days. Young fledge at 5-6 weeks.

In the Birds of Prey Natural Area and vicinity the primary prey species is the Townsend's ground squirrel. Falcons may also eat young rabbits, other rodents or small birds such as the horned lark. This species is characterized by a low swift strong flight.

COURTESY  
ALBERTA  
PUBLIC AFFAIRS  
BUREAU



**OSPREY**  
*Pandion haliaetus*

#### **OSPREY**

*Pandion haliaetus*

The osprey or fish hawk is 21 to 24 inches in length with a 54 to 72 inch wingspan.

The osprey has a white slightly crested head and black cheek patches. When flying it has a distinctive crook in its wings and black carpal patches on whitish undersides.

Ospreys are usually seen in the spring migrating through the Birds of Prey Natural Area to timbered areas where they nest, usually in snag trees near water. The nest is a bulky mass of sticks and debris. Their diet is almost 100 percent fish which they prefer to catch alive. This is a cosmopolitan species found in North America, South America, Asia, Africa, Europe and Australia.

There has been a marked decline of ospreys in coastal areas of the United States generally associated with the use of pesticides such as DDT.

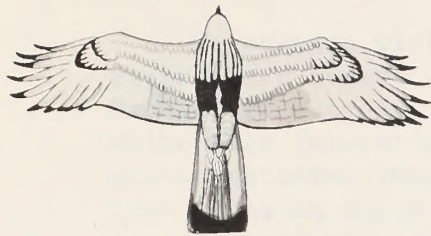
COURTESY  
ALBERTA  
PUBLIC AFFAIRS  
BUREAU



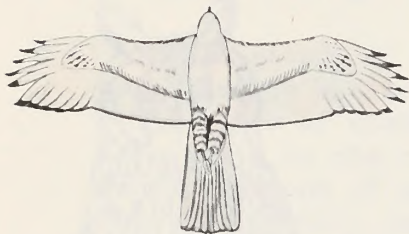
# Raptors

## Found in the Study Area

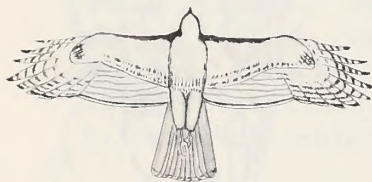
FLIGHT  
SILHOETTES



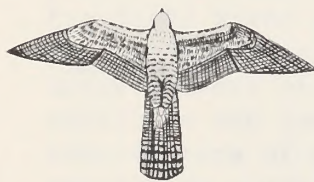
AMERICAN ROUGH-LEGGED HAWK



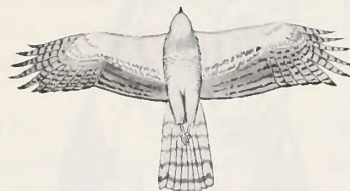
FERRUGINOUS HAWK



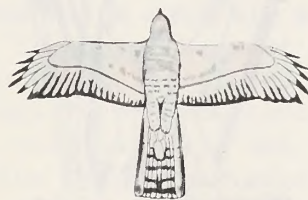
RED-TAILED HAWK



PEREGRINE FALCON



SWAINSON'S HAWK



MARSH HAWK



GOSHAWK



COOPER'S HAWK



SHARP-SHINNED HAWK



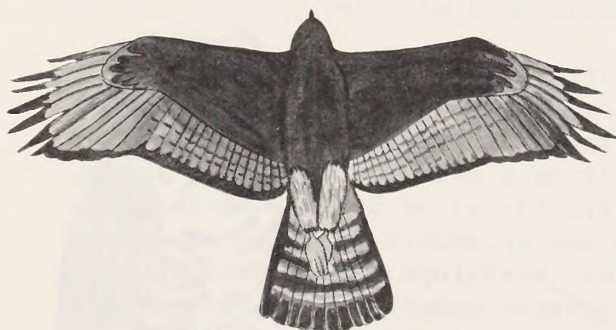
PRAIRIE FALCON



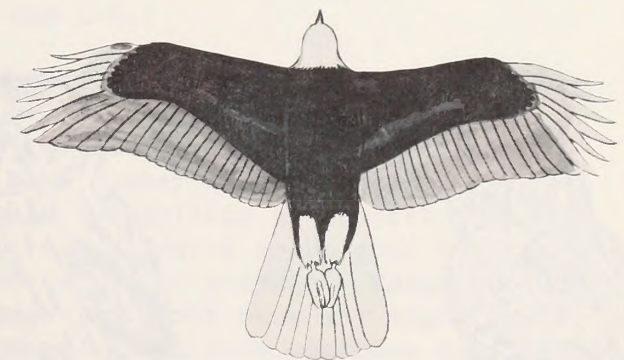
MERLIN



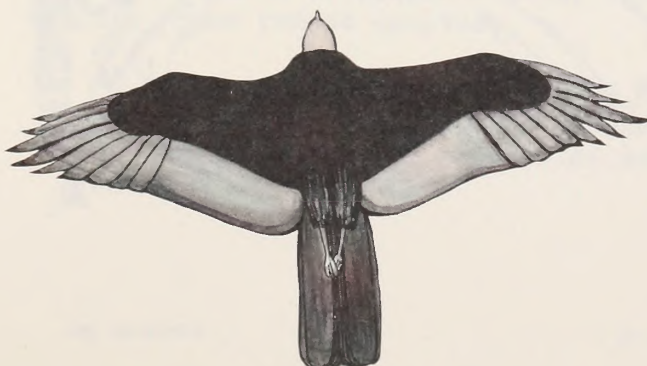
AMERICAN KESTREL



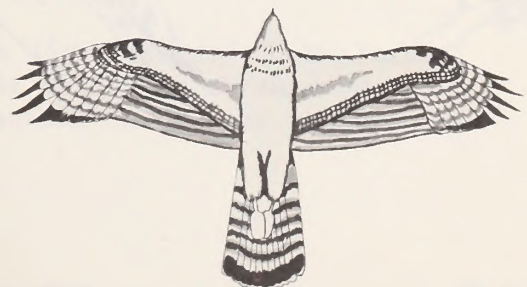
GOLDEN EAGLE



BALD EAGLE



TURKEY VULTURE



OSPREY



# Owls

## Nesting in the Study Area



GREAT HORNED OWL



BARN OWL



LONG EARED OWL



SCREECH OWL



SHORT EARED OWL



BURROWING OWL



## VEGETATION

Vegetation within the Study Area is characteristic of the Snake River Plain desert habitat type of big sagebrush/Sandberg bluegrass. Much of the vegetation is composed of mixed associations of big sagebrush, white sage (winterfat), shadscale, and bud sage occurring in distinct mosaic patterns (Map 2-4). The vegetative cover types and percent of type found in the Study Area are shown in Table 2-3. Agricultural land is scattered through the proposed area with cheatgrass occupying areas disturbed through farming, burning, and military activities.

The stands of white sage are larger than normal. In fact, the white sage area is a significant anomaly being among some of the largest collections of stands in the United States. White sage is unique in its importance to the raptor prey base and to livestock grazing. The highest concentrations of ground squirrels found in the Study Area are usually located in white sage and white sage/big sagebrush communities. These communities are usually found in the most favorable soils and contain the densest plant populations and, therefore, abundant food and cover for small rodents. White sage is an important livestock forage species due to its protein content, palatability, and tolerance to heavy winter grazing. The better white sage areas were excluded from the areas set aside for military maneuvers in order to protect these stands from damage by military vehicles.

Greasewood occupies much of the area within the Snake River Canyon itself as well as south of the river in the eastern portion of the proposed Conservation Area. A riparian zone of varying size exists along the Snake River and along the banks of C.J. Strike Reservoir. The riparian zone and the greasewood vegetation type south of the river had large numbers of rodents, but because of their lack of Townsend ground squirrels and low prey vulnerability, they were not the most important contributors of prey. It was "...the extensive Townsend ground squirrel population north of the river which caused raptors to preferentially hunt the big sagebrush-winterfat-cheatgrass complex on the north side" (Dunstan et al. 1976). (See the blue areas on Map 2-3.)

The big sagebrush type north of the river ranked overall as the most important contributor of prey for raptors. Not only did it have a relatively large number of rodent species (five), including the Townsend ground squirrel, but also supported a high number of jackrabbits. Shadscale seemed to be relatively poor in its ability to support Townsend ground squirrels. Winterfat and cheatgrass appeared to be good habitats for Townsend ground squirrels, but poor for other rodents. Range ecotones (transition zones between vegetation types) did not show any significant concentrations of rodents. Although range-agriculture ecotones supported concentrations of kangaroo rats, these transition zones did not concentrate other rodent species.

Based on information compiled by the University of Idaho Forest, Wildlife and Range Experiment Station, the following threatened or endangered plants were identified as occurring in or near the proposed area.



TABLE 2-3

PERCENT OF VEGETATIVE COVER TYPES  
IN THE BIRDS OF PREY STUDY AREA

<u>Cover Type</u>	<u>Percent of Area</u>
Sage/bluegrass	11.6
Sage/cheatgrass	11.0
Dense sage	10.5
Winterfat	1.7
Winterfat/sage	2.2
Sage/winterfat	1.4
Sparse shadscale	3.5
Dense shadscale	5.3
Dense grass	1.0
Crested wheatgrass	3.0
Forbs/grass	12.0
Shadscale/winterfat	6.3
New Agriculture	12.5
Old Agriculture	6.6
Sage/shrubs	2.9
Greasewood	3.4
Canyon	2.0
Greasewood/shrubs	0.1
Silt hills	0.4
River	1.4
Untyped	<u>1.2</u>
TOTAL	100.00

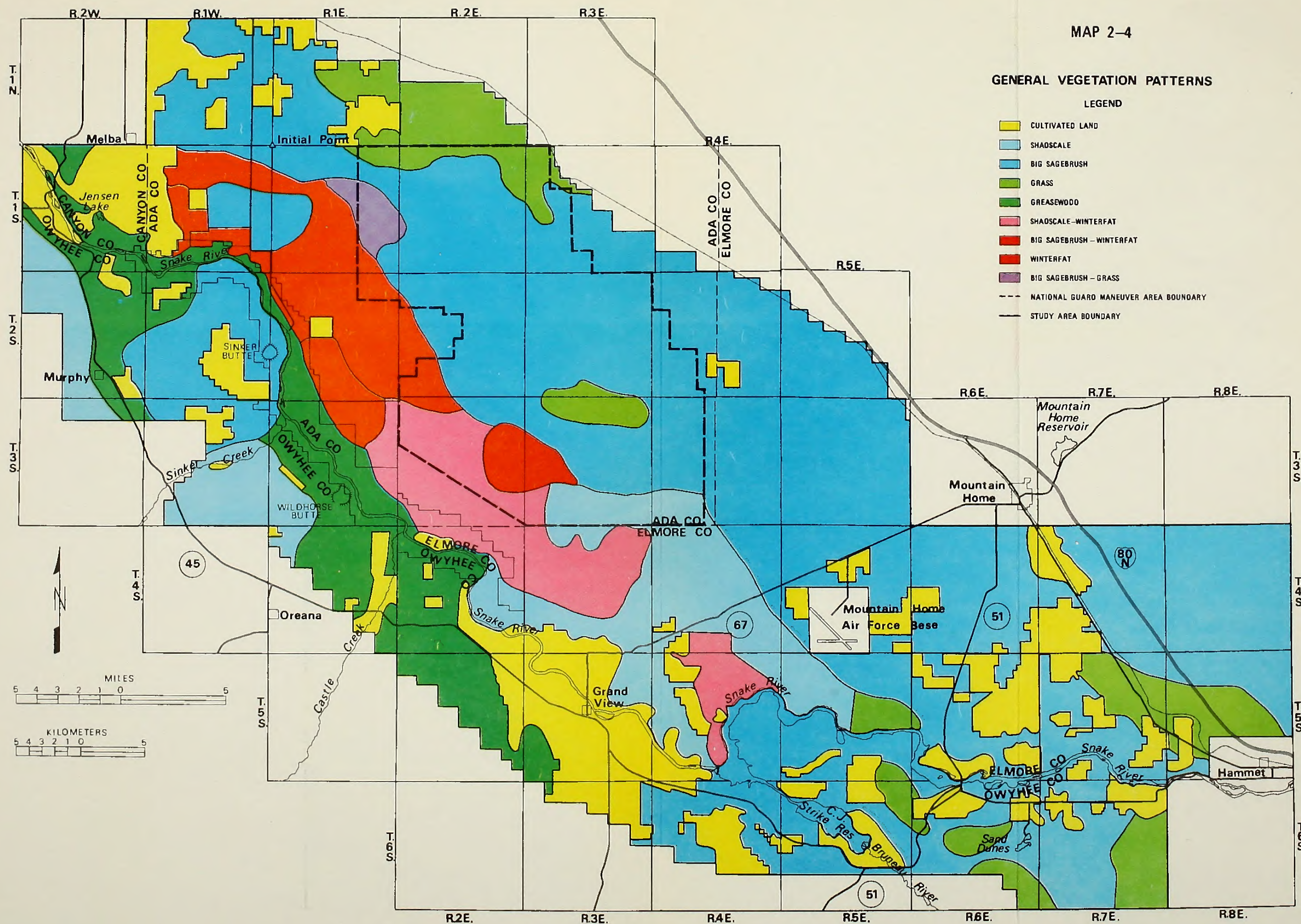


MAP 2-4

GENERAL VEGETATION PATTERNS

LEGEND

- CULTIVATED LAND
- SHAOSCALE
- BIG SAGEBRUSH
- GRASS
- GREASEWOOD
- SHAOSCALE-WINTERFAT
- BIG SAGEBRUSH - WINTERFAT
- WINTERFAT
- BIG SAGEBRUSH - GRASS
- NATIONAL GUARD MANEUVER AREA BOUNDARY
- STUDY AREA BOUNDARY









(Endangered and Threatened Plants of Idaho, 1977:21)

Draba douglasii Douglas - Douglas' draba  
Lepidium davissii Rollins - Davis' pepperweed  
Astragalus mulfordiae M.E. Jones - Muffords' milkvetch  
Astragalus purshii Douglas  
var. ophiogenes Barneby - woollypod milkvetch  
Eriogonum shockleyi S. Wats.  
var. packardae Reveal unpub. - matted cowpie Eriogonum

Continued research has revealed the possibility of other rare species occurring in this area:

Penstemon perpulcher  
Mentzelia torreyi var. acerosa  
Astragalus camptopus  
Eriogonum ochrocephalum var. sceptrum

## CULTURAL RESOURCES

Prehistoric. Prehistoric sites in the Study Area are present in many forms and may represent an occupation spanning 15,000 years. Sites in the canyon proper are notable in several respects: their number, size, depth of undisturbed deposits, variety, and unique ecological setting. Surveys indicate the present Natural Area contains one of the areas most densely occupied in southwestern Idaho during prehistoric times. Over 200 sites have been recorded in this thirty-five-mile stretch of the Snake River Canyon.

Several overlapping types of sites are recognized in the Study Area with varied activities suggested by the kinds of artifacts found in the sites. Most of the sites are open and consist of lithic (stone) tools and the waste flakes created in their manufacture. Mussel shell is also frequently present in great quantities. Some of the sites have yielded pottery, grinding stones, and a few perishable items, such as basketry. The following types of sites have been described in the Study Area: quarry and workshop sites, rock shelters, boulder shelters, lava tube caves, and sites reflecting specific subsistence activities, such as fishing stations.

The Black Butte/Guffey Butte Archaeological District was formally placed on the National Register of Historic Places in February, 1979. The District boundaries correspond to those of the existing Natural Area and include 110 prehistoric sites. Several other sites in the Study Area have been identified as eligible for listing in the Register; however, no formal determination of their eligibility has been sought to date. It is expected that many of these sites will receive formal determination and subsequent listing in the Register in the near future (State Historic Preservation Officer pers. comm.).

The significant aspects of the prehistoric sites located in the Study Area are 1) the potential for contributing to knowledge of the



prehistoric way of life of early big game hunters and hunting and gathering groups on the Snake River Plain, particularly regarding settlement patterns and resource exploitation; and 2) the potential for dating rock art through measurements of surface oxidation and for associating certain forms of rock art with hunting.

Serious impacts are occurring to a number of prehistoric sites in the Study Area at the present time. Many sites have been subjected to intensive surface collecting and excavation by amateurs over at least the last forty years. Easily accessible rock shelters and highly visible village sites are the most vulnerable to this type of activity. In addition, rock art in the Study Area has been defaced and removed altogether (Tobias 1976).

Farming and its related support activities have also taken their toll, especially on open sites. Some areas have been cultivated right down to the water's edge, and the installation of irrigation pumps and tanks has all but destroyed some sites. Many sites exhibit severe erosion damage caused by heavy vehicular traffic (Keeler and Koko 1971). Some sites have been damaged by military maneuvers and unauthorized digging by the public in the National Guard Impact Area. These include Tank, Higby, and Cathedral Caves which are currently being investigated by researchers from Boise State University (Delisio 1977).

Some of the placer mining which occurred in historic times has destroyed a number of sites. Ironically, the evidences left by these destructive activities are themselves historic resources. A final source of adverse impacts occurring to prehistoric sites is "sanctioned" site destruction in the form of excavations by professional archaeologists (Shellbach 1967, Tuohy and Swanson 1960, Delisio 1977).

Historic. A historic site marks the location of some human activity which took place after recorded history began for a given area. It need not be a standing structure, but may take the form of buried artifacts or even a geographic location lacking physical remains where an important event is known to have occurred. Historic sites may best be described in reference to their associated time period.

There are no specifically known camp sites of French, British, or American fur trappers or explorers in the Study Area from the early 1800's, although the Hudson Bay Company's exploitation of beaver in the area is documented. This is probably due to the fragile nature of the evidence of these activities.

The period of 1840 to 1860 is marked by the American acquisition of the Oregon Territory in 1846 lending further impetus to westward movement of emigrants along the Oregon Trail. Portions of the main route and the south alternate route of this National Historic Trail are present throughout the length of the Study Area. Map 2-5 illustrates the route of the Oregon Trail and the locations where wagon ruts are still visible. Several historic sites, including the scene of the Otter Massacre, have been recorded along the Oregon Trail in the Study Area. In addition, several campsites and emigrant graves are known to exist.

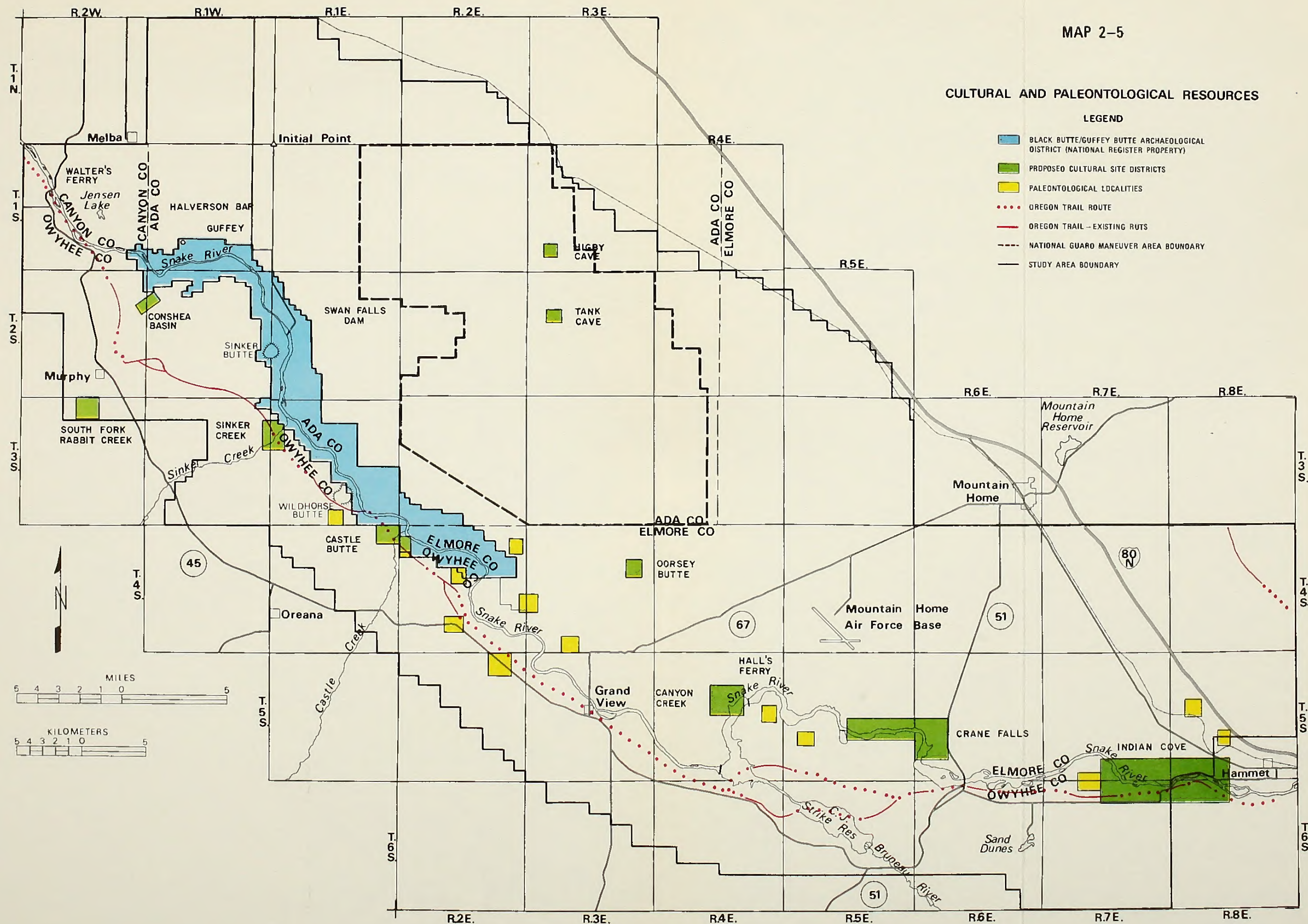


MAP 2-5

CULTURAL AND PALEONTOLOGICAL RESOURCES

LEGEND

- BLACK BUTTE/GUFFEY BUTTE ARCHAEOLOGICAL DISTRICT (NATIONAL REGISTER PROPERTY)
- PROPOSED CULTURAL SITE DISTRICTS
- PALEONTOLOGICAL LOCALITIES
- OREGON TRAIL ROUTE
- OREGON TRAIL - EXISTING RUTS
- NATIONAL GUARD MANEUVER AREA BOUNDARY
- STUDY AREA BOUNDARY









The discovery of gold and silver in the Owyhee Mountains and the Boise Basin in the 1860's stimulated settlement in the Study Area. A network of roads, railroads, stagelines, and river ferries developed to meet the needs of the miners. Evidences of these support activities are still present. Remains of later placer mining in the Snake River Canyon are also present.

This period also saw the rise of agriculture and early ranching as important industries in the Study Area. Chinese immigrants tapped Reynolds Creek by building dams and stone aqueducts in 1863, and Sinker Creek was also dammed and used for irrigation.

Railroads in the Study Area were limited and late in construction. The Union Pacific Railroad line was completed between Hammett and Nampa in 1884 and may have historical sites related to its construction along the route. The bed of the 1889 Boise, Nampa, and Owyhee Railroad remains, but the tracks were removed in the 1940's. The Guffey Railroad Bridge, completed in 1897, and the remains of two townsites for the way station of Guffey are still present in the Study Area.

The Guffey Railroad Bridge and townsite, a mining settlement near Halverson Bar, and the Swan Falls Dam (built in 1901) are all on the National Register of Historic Places. The Oregon Trail route through the Study Area is part of the National Trails System, and all existing ruts have been officially determined to be eligible for National Register listing (State Historic Preservation Officer pers. comm.). There are numerous other historic sites in the area which have been identified as eligible for nomination to the Register; however, no official determination of their eligibility has been sought to date.

The value of the historic sites in the Study Area lies in their potential for refining our knowledge of the sequence of events which led to the settling of the West. Accounts of specific people and events of local significance can be substantiated through the study of these sites. These sites also have social value for many residents in southwestern Idaho because they represent an important part of our national heritage. A large portion of current residents are descendants of early settlers and take pride in preserving old ranches, homesteads, etc.

Currently, several factors are impacting historical resources in the Study Area. These include livestock use, vandalism, weathering, and major repair to or removal of historic structures. In addition, portions of the Oregon Trail on both public and private land have been plowed up for farming.

Paleontological. The Study Area is considered to be one of the most significant regions for paleontological research in North America, having yielded numerous and varied fossil specimens. More than a dozen localities rich in fossil remains have been reported in this area (Map 2-5). Types of fossils recovered include seeds, leaves, fish, molluscs, and large mammals.



Scientists working in southwestern Idaho believe that vertebrate remains, of which fossil mammals are a type, have the most scientific value. The largest quantity of mammalian fossil material has been discovered in a layer of deposits known as the Glenn's Ferry Formation. The layer is found on both sides of the Snake River from just east of the town of Hagerman with outcrops found continuously as far west as the town of Homedale. This important layer of deposits is found in a large portion of the Study Area.

The area has not been adequately inventoried for paleontological resources, but present evidence suggests additional sites are present in the Glenn's Ferry Formation within the BPSA. The current incidence of vandalism to these fossil sites is also not known, but some indiscriminant collecting has been known to occur. Significant paleontological resources are protected under the Antiquities Act, the National Environmental Policy Act, and the Federal Land Policy and Management Act.

#### WILDERNESS

An inventory of wilderness resources within the Birds of Prey Study Area was completed and published on August 10, 1979, by the Idaho State Director of the BLM. No portion of the Study Area was found to possess the characteristics of wilderness.

The present Birds of Prey Natural Area is identified as an Instant Study Area for wilderness under Section 603 of the Federal Land Policy and Management Act. Until Congress acts on the Instant Study Area report, the area will be managed so as not to impair its suitability for wilderness classification.

#### AGRICULTURE

Grazing. The dominant agricultural use of the public lands and much of the private lands within the Study Area is livestock grazing. Sixty-six grazing permittees presently utilize public lands (in conjunction with National Forest, State, and private lands) to maintain yearlong cow-calf or sheep operations (Table 2-4). Their present permits involve approximately 65,000 AUMs on public land.

The public lands are used primarily as spring, fall, and winter range for cattle. Summer grazing is supported on other BLM allotments, National Forest lands, or private lands. North of the Snake River cattle typically enter the area in early spring, remain approximately 2½ months, and are then trailed and trucked to National Forest or private lands to graze the summer season. They return to the Study Area around the middle of October. They graze on the fall range until mid-December and then are transferred to the winter range where they remain until the end of February. The livestock are then trailed to their home ranches and the cycle starts again in the spring.



TABLE 2-4  
Livestock Use in Birds of Prey Study Area 1/

Allotment	No. of Permittees	Season Of Use	AUM's Cattle	AUM's Sheep	Total AUM's
Sunnyside/Winter	9	12-16 to 2-28	8,936	5,585	14,521
Sunnyside/Spring-Fall	19	4-1 to 6-15 10-16 to 12-15	15,506	8,938	24,444
Castle Creek	8	11-1 to 1-31	4,399		4,399
Battle Creek	1	11-1 to 1-31	276		276
Mountain Home/Sub-Unit	9	4-1 to 6-30 10-16 to 12-31	6,374		6,374
Chalk Flats	3	4-1 to 6-30 10-20 to 12-31	2,404	110	2,514
Rattlesnake Seeding	1	4-1 to 12-31	1,368		1,368
Crater Ring Seeding	2	4-5 to 6-4	748		748
Duck Pond	1	7-1 to 10-15	56		56
Rattlesnake Creek	1	4-1 to 6-15 10-16 to 11-30	221		221
Rabbit Springs	1	5-1 to 9-30	84		84
Pole Creek Individual	1	4-1 to 9-30	156		156
White Butte	1	3-1 to 4-15 11-15 to 12-28	67		67
Warm Springs	1	11-1 to 2-28	20		20
Fossil Butte	1	11-1 to 2-28	961		961
Nahas Individual	1	11-1 to 2-28	845		845
Oreana #1/Winter	1	11-1 to 2-28	525		525
Black Mountain	8	4-1 to 10-31	4,792		4,792
Saylor Creek	5	4-1 to 2-28 11-1 to 2-28			12,370
Hammett #3	1	11-1 to 2-28	240		240

1/ Some of these allotments encompass more area than just the study area; some permittees use more than one allotment.



South of the river in the Study Area, the majority of grazing use is winter grazing. Livestock enter the area about the first of November and remain until the end of February. The cattle are trailed to the home ranches and do not return to the Study Area until the following winter. Both public and private lands south of the Study Area are used during other seasons of the year.

Sheep grazing in the area is currently limited primarily to three bands which use the area for short periods (two to three weeks) each spring and fall.

Livestock grazing of the area has altered the vegetative succession and in fact has contributed to the high prey concentration in certain vegetative types.

Farming. About 238,144 acres of the 833,000 acre study area is in private ownership. About 159,500 acres (68 percent) of these private lands are presently being farmed for potatoes, sugar beets, beans, corn, grain, and alfalfa. The area farmed currently represents 19 percent of the Study Area. The potential for agricultural development is much greater (about 46 percent of the total Study Area) considering the distribution of suitable soils and the theoretical accessibility of water through recent technological advances.

In the Ada-Elmore County area included north of the Snake River, the Soil Conservation Service estimates there are approximately 140,000 acres of potential Class I and II irrigated land (Scott 1979).

Because of this potential, 269 applications have been filed with BLM to transfer about 81,000 acres of public lands to private farming development under the authority of the Desert Land Act. In addition, 20 Carey Act applications, another method to dispose of public land for farming purposes, have been filed on 70,000 acres within the Study Area but the majority of them overlap the desert land applications (Map 2-6). A temporary moratorium on processing Desert Land and Carey Act applications is currently in effect (see Chapter 1).

## RECREATION

The Study Area is a major scenic, geologic, and wildlife attraction in southwestern Idaho. The Snake River plateau and canyon is rich in various recreation opportunities that include sightseeing, camping, picnicking, boating, off-road vehicle (ORV) use, fishing, and hunting.

The Study Area is located within Region 3 of the 1977 Idaho State Comprehensive Outdoor Recreation Plan (SCORP). This region includes ten counties in southwestern Idaho. The Natural Area is listed within the SCORP as one of the nationally significant recreation resources within Idaho.

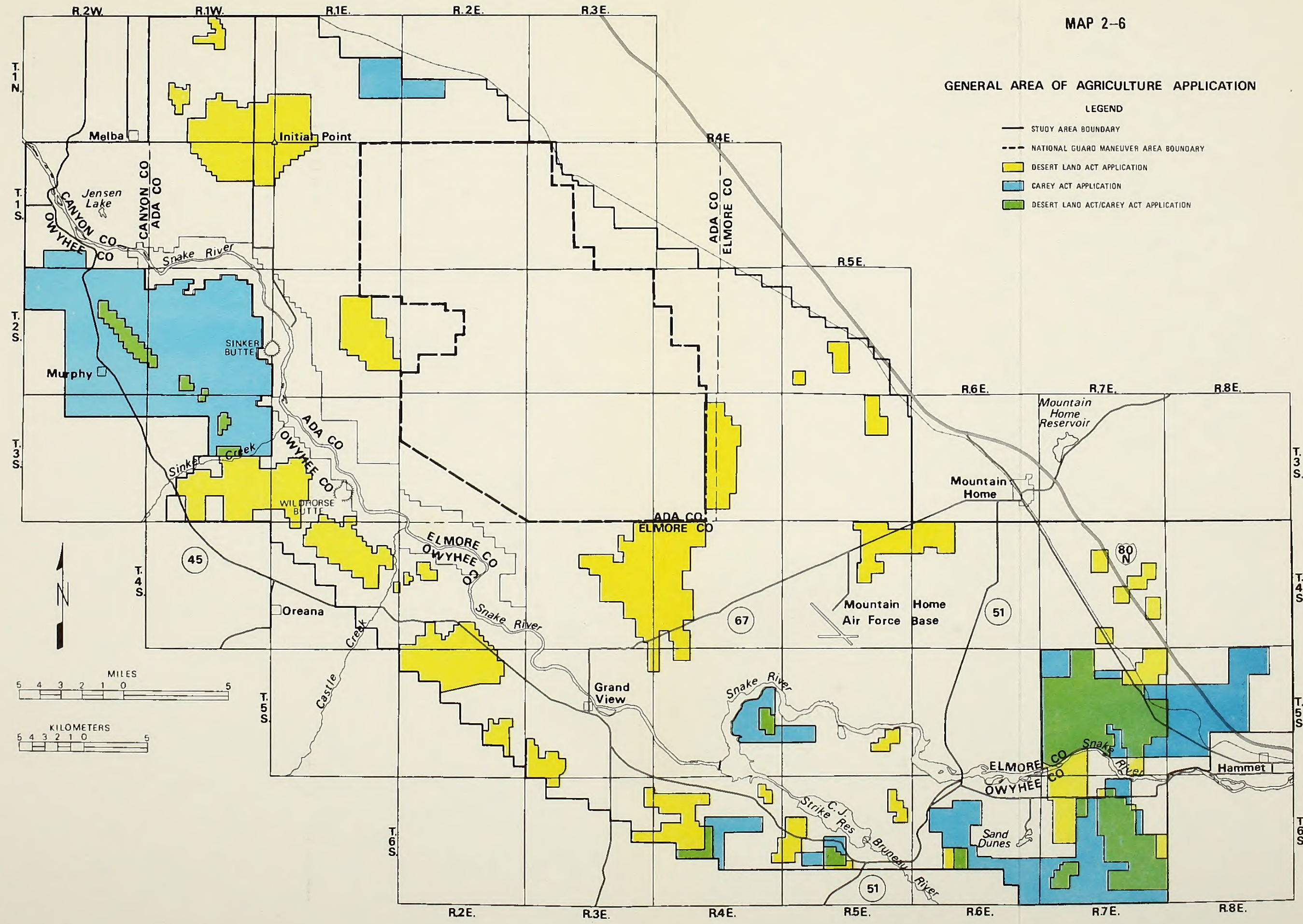


MAP 2-6

GENERAL AREA OF AGRICULTURE APPLICATION

LEGEND

- STUDY AREA BOUNDARY
- NATIONAL GUARD MANEUVER AREA BOUNDARY
- DESERT LAND ACT APPLICATION
- CAREY ACT APPLICATION
- DESERT LAND ACT/CAREY ACT APPLICATION









The 1977 SCORP states that tourism was the third ranking industry in Idaho, contributing \$358,000,000 to the economy. Tourism was preceded in ranking by agriculture, (livestock grazing, farming, and related industries) which contributes \$1,326,000,000 to Idaho's economy and manufacturing which contributes \$821,000,000.

Although the total annual recreation use within the Study Area is not known, it was estimated in 1977 that approximately 11,500 recreationists visited the Natural Area and 52,100 recreationists visited the remaining portions of the Study Area along the Snake River from May to August (Recreation User Survey, Snake River Birds of Prey Natural Area and Study Area, BLM, 1977).

According to the SCORP \$69,223,562 was expended in the Trails Region (the Study Area is within this Region) during 1975 for outdoor recreation goods, services, facilities, operations, and maintenance. This estimate is conservative since it does not consider expenditures for food, transportation, most lodging, and some clothing costs. Most expenditures occur at the place of residence for recreation goods and equipment.

During 1977 the Bruneau Sand Dunes State Park within the Study Area (Map 2-1) received 71,981 visitors, mostly day users. The Idaho Department of Fish and Game has also conducted two Snake River fisheries investigations in the Area. The first, from March 22, 1971, to January 9, 1972, surveyed recreation use from Bernard's Ferry upstream to and including, C.J. Strike Reservoir. This survey estimated 39,777 days of recreation use during the nine month census period. The following summarizes this use by section of river:

	<u>Angler Days</u>	<u>Hunter Days</u>	<u>Other Days</u>
C.J. Strike Reservoir	7,343	2,095	10,668
Strike Dam to Grandview	6,649	83	2,099
Grandview to Swan Falls Dam	2	368	232
Swan Falls Dam to Guffey	3,321	236	879
Guffey to Bernard's Ferry	<u>4,359</u>	<u>576</u>	<u>867</u>
TOTALS	21,674	3,358	14,745

The second fisheries investigation from March 1, 1975, to February 29, 1976, measured recreation use from the headwaters of C.J. Strike Reservoir at Loveridge Bridge to Lower Salmon Falls Dam. In this survey recreation use was measured in hours rather than days. For the portion of the census area within the Natural Area, 8,969 hours of use occurred during the twelve-month period. Of these, 3,663 were angler hours, 5,306 hunter hours, and 3,167 hours were from other recreation users.

Besides the Snake River Canyon and the Bruneau Sand Dunes, visitors are drawn to several other geological attractions in the Study Area. These include Crater Rings and Kuna, Higby, and Tank Caves.



Several recreation sites with day and overnight facilities exist at C.J. Strike Reservoir. One is the BLM's Cove Recreation Site; another is one administered by the Idaho Department of Fish and Game. The C.J. Strike picnic area, operated by the Idaho Power Company, is located adjacent to the dam. Camping use at this site is also popular. Just north of the C.J. Strike picnic area, the U.S. Air Force administers a recreation facility. In addition, the Black Sands Resort is located on the southwest side of the reservoir. Additional camping and day use opportunities are available at Bruneau Sand Dunes State Park, eight miles northeast of the town of Bruneau. The Idaho Department of Fish and Game provides several boating access facilities on the reservoir and on the Snake River. There are no developed recreation sites within the boundary of the existing Natural Area. However, two popular locations, the Swan Falls and Halverson Lake areas, are being adversely affected by uncontrolled recreation use which is causing soil erosion and damage to the surrounding vegetation.

Several popular off-road vehicle (ORV) areas are partially within the Study Area. These include areas near Murphy, Hammett, Oreana, and Browns Gulch. Weekend unorganized ORV use is common in each area, and every year the BLM issues several permits for competitive motorcycle events in portions of the Study Area. To protect nesting birds in season and to protect natural values year round, the BLM has established a year round closure to vehicle travel off designated roads in the Natural Area. Control of ORV use has been contracted to the Ada County Sheriff's Department by BLM.

Hunting activities primarily involve waterfowl and upland bird shooting. To protect the birds of prey during nesting and brood rearing, a shooting closure has been established by BLM within the Natural Area from March 1 to August 31, each year. The Idaho Department of Fish and Game has also established a hunting closure in the area each year from March 1 to August 31. Some recreational trapping also occurs within the Study Area. At the request of BLM the Idaho Department of Fish and Game created a regulation prohibiting the use of exposed baits or lures within the Study Area.

The BLM has also established an airspace closure over the canyon areas annually from February 1 to September 1 to prevent disturbance of nesting birds of prey by low flying aircraft. A copy of the closure notice is included in Appendix B.

#### NATIONAL GUARD ACTIVITIES

The Idaho National Guard conducts military maneuvers on 122,600 acres of public land within the Study Area under a permit from the BLM (Map 2-1). The maneuver program has been gradually expanding over the past few years because facilities for such activities are becoming limited nationally. Units are now coming from as far away as the east



coast states to use this area. The eastern states apparently have few areas where heavy artillery can be fired without risk to or complaint from the general public.

The present activities, which are concentrated in June, July, and August, involve firing of tank cannons, mortars (which reach as high as 12,500 feet above the terrain), and other field artillery. There are extensive tank maneuvers, personnel movements, and bivouacing. Much of the activity is weekend reserve training with numerous two-week summer camps. Twenty-five years of military use in the Study Area has not had any known major adverse effects on the birds of prey. The area is also used for winter grazing of livestock and is available for mineral leasing.

## MINERALS

The following information is based largely on the USGS mineral report, the BLM mineral report (June, 1979) for the Study Area, and on comments received from geologists and private industry representatives during the draft ES review.

North of the Snake River the Study Area is underlain by flat lying basalt flows. South of the river from Bruneau to Murphy sedimentary silt, sand, gravel, clay, and ash are frequently exposed. Fourteen permits for the removal of sand, gravel, and cinders are presently issued.

Of the various minerals subject to location under the Mining Law of 1872, only clay and placer gold have been identified within the Study Area. The Pullman Brick Company has two mining claims located for clay which is used to add strength and color to bricks. The claims reportedly produce about 13,000 cubic yards of clay annually. Fine placer gold has periodically been recovered from the Snake River, but there are no profit making operations currently in existence within the Study Area.

The USGS has classified large portions of the Snake River Plain as prospectively valuable for oil, gas, and geothermal development. These are the only leasable minerals believed to occur within the area. There are 84 oil and gas leases covering 144,926 acres in the Study Area; more than 50,000 of these acres are also included in the Castle Creek Known Geothermal Resource Area (KGRA) which is situated generally northwest of Grandview and south of the Snake River. In the Castle Creek KGRA there are 17 geothermal leases covering an estimated 25,882 acres. Although test wells have penetrated the extensive Bruneau-Grandview hot water aquifer that underlies much of the region, none have been drilled within the Study Area. Work on 32 oil and gas applications covering 66,409 acres, 5 oil and gas simultaneous leases (expired) on 3,684 acres, and on 13 geothermal lease applications covering 26,894 acres has been suspended until the final birds of prey environmental statement is completed.



In the past five years, nearly 500,000 acres of public land have been leased for oil and gas and geothermal development. During this period, one deep oil and gas well was drilled on private land just outside of the proposed boundary by Anschutz Corporation to a depth of 11,000 feet. Union Oil Company drilled a deep oil and gas well on private land north of Mountain Home in the early 70's. Neither of these companies nor other lessees have indicated that an abundant resource exists, nor have they done further deep well drilling. Phillips Petroleum drilled a deep geothermal well near the Anschutz well (also on private land) and shortly thereafter cancelled a Plan of Operation for development which they had filed with the U.S. Geological Survey for Federally leased lands in the vicinity. In 1950, 3 wells were drilled for oil and gas in T. 6 S., R. 8 E., (South of Hammett, adjacent to the proposed Area). All reported "no shows".

Gravity reconnaissance and geologic interpretation indicate the presence of "enéchelon" type fold structures underlying the thick sequence of volcanic and sedimentary deposits in the western Snake River Plain. Conventional wisdom suggests the theoretical occurrence of petroleum reservoirs associated with the structures. Reports by geologists and oil companies state that there is a good possibility for a large petroleum reserve to underlie all of southern Idaho (Warner 1979).

#### SOCIO-ECONOMICS

Four rural villages -- Murphy, Bruneau, Grandview, and Melba -- containing some 840 people who economically depend upon livestock grazing and farming are found within the Study Area. The Mountain Home Air Force Base serves as a source of employment, and Boise, the largest urban area in the state, also provides employment opportunities. The grazing permittees are the primary users that depend upon the public land for a livelihood.

The BLM analyzed the economic returns from cattle grazing in the proposed Conservation Area and found that the returns varied from \$10.86 to \$12.53 annually per AUM. These figures updated to 1979 would be \$14.37 and \$16.58, respectively. The income to ranchers from the BLM AUMs would range from \$934,000 to \$1,078,000 annually.




As discussed in the Recreation section, tourism provides economic income to local communities for recreational related services. The exact amount, however, is difficult to quantify.

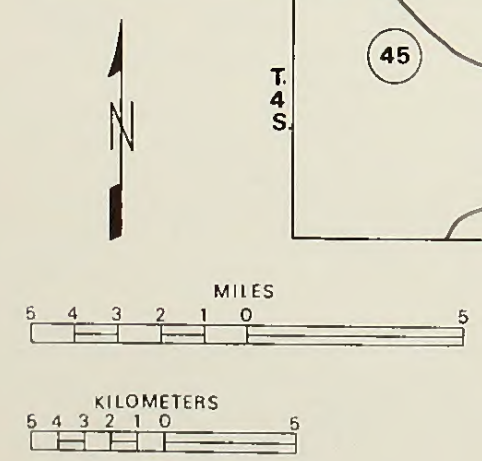
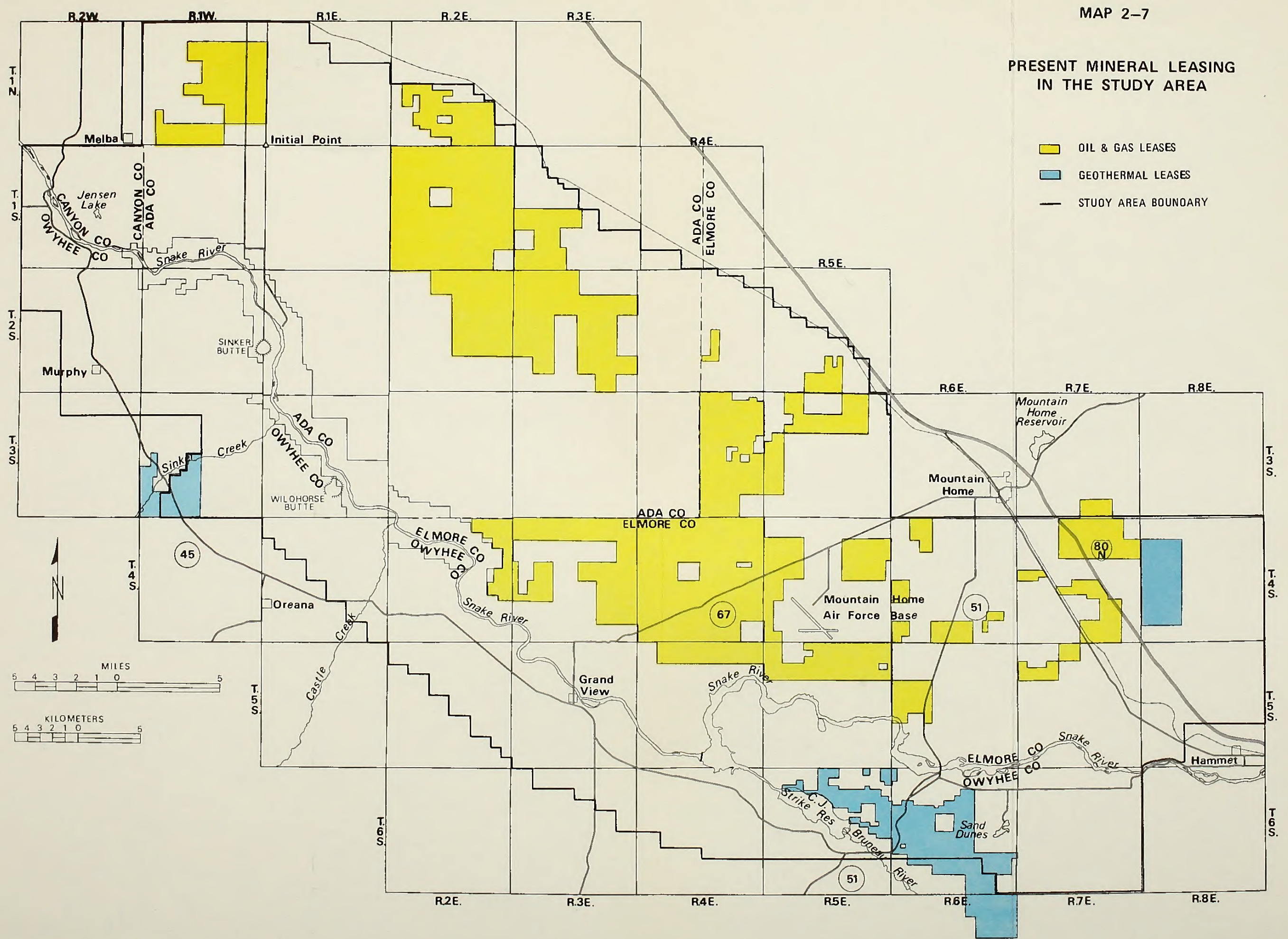
#### Social Attitudes

Three general categories of concern associated with the Study Area will be described in this section. They are: 1) agricultural; 2) attitudes toward the Natural Area; and 3) attitudes regarding the existence of the Study Area. These three concerns, of course, are inter-related. But, for the purposes of discussion and descriptive analysis they will be treated separately.



PRESENT MINERAL LEASING  
IN THE STUDY AREA

-  OIL & GAS LEASES
-  GEOTHERMAL LEASES
-  STUDY AREA BOUNDARY









Five general groupings of people with attitudes toward/about these areas of concern will be considered. They are: 1) the general public; 2) ranchers and farmers; 3) local urban residents; 4) local rural residents; and 5) groups/individuals with special environmental or conservationist concerns and interests. It is to be noted that these groupings are neither rigid nor mutually exclusive.

Agriculture. For the past 90 years agriculture has been a major component in the economic as well as the socio-cultural composition of Idaho. Its influences have encouraged the development, within the long-term residents of the State, of a generally conservative political posture, a strong sense of independence, a pride in ingenuity (being able to fashion ideas as well as objects to fit personal needs), a reluctance toward government regulations and intervention, and a deep interest in land use matters.

It was concluded from information gathered in inquiries and personal interviews that the continued development of irrigated farmlands has strong, but not unanimous, support from farmers, ranchers, rural residents, and those urban residents who lived in Idaho prior to 1970. The rationale behind the position of people in these diverse groups is consistent with the distinguishing character of the rural, western United States socio-cultural environment. This position argues that the development of irrigated farmland and livestock grazing is unquestionably of great benefit, not only for the individual farmer/rancher, but also for all those who are dependent on agricultural products for food and clothing. Therefore, government regulations and controls should encourage, not discourage, development. And because people are the ultimate beneficiaries of agricultural production, people should support agricultural development policies.

Those opposing intensive farm development, again from several types of groupings, also have justification for their positions -- justification which emphasizes human benefits. The Idaho Conservation League, in its 1977 publication, points out that for the benefits of all concerned -- farmers, ranchers, and the general public -- a thorough analysis of developments and their impacts is needed. Unless this is done, the Idaho Conservation League maintains, the "costs" of development may be far more expensive than its value (Idaho Conservation League 1977). Other groups contend that since agricultural development will have adverse impacts on the birds of prey, development has to cease to maintain local, regional, national, and international benefits derived from this unique habitat area. They would also argue that continued intensive agricultural development in this fragile area may not be in keeping with national agricultural production policies.

Birds of Prey Natural Area. A general consensus of all groups exists with regard to approval and acceptance of the Natural Area. There are those who resent it -- but they appear to constitute only a small minority of the population.



A basic reason for the consensus is, simply, that people like having the birds of prey around. Ranchers and farmers value the birds since they help control the squirrel and rabbit populations. The general public and rural/urban residents evidently appreciate the presence of the birds from an aesthetic viewpoint that, in some cases, has its possessive aspects. For instance, during conversations people frequently would mention "our birds," "our eagles," or "our sanctuary." People not only appreciate seeing the birds in the Natural Area environment, but they like seeing them while driving on business or pleasure trips and during family outings.

Members of special interest groups, such as the National Wildlife Federation, the Sierra Club, the National Audubon Society, and others, strongly approve of the Natural Area. Its existence provides for scientific study as well as for aesthetic appreciation. Numerous float trips each year through the Natural Area are sponsored by study groups located both in and outside of Idaho.

In 1971, when the Natural Area originally was established, there was a certain amount of resistance expressed by local area residents. Letters to the newspaper editor in Boise (Idaho Statesman), to the BLM Boise District, and comments made at public meetings in opposition to the Natural Area designation were strong. However, much of the resistance was rooted in concerns over a water storage/electrical generation plan that did not materialize and not the Natural Area as it presently exists.

In contrast, the BLM has received in the last seven years over a thousand letters from 30 states and Washington, D.C. -- plus Hong Kong, Great Britain, Republic of South Africa, West Germany, and Canada! -- that supported the Natural Area.

Birds of Prey Study Area. While the Natural Area is generally accepted, this is not entirely the case with the expanded Study Area. Representatives of farmer/rancher/rural resident groupings, for example, are quite severe in their criticism. To some of these people, the Study Area with the concomitant moratorium on Desert Land Entry is seen as an infringement by "outsiders" (government, conservation groups, and individuals) on the traditional rights of local people to make decisions for themselves. To others, the existence of the Study Area is not, by itself, an issue.

There are those who feel that the Study Area exemplifies the insensitivity of a centralized bureaucracy to local traditions, values, and needs. They observed that, prior to the 1970's, the BLM Boise District consisted of a small "easy to get along with" group of people who frequently met with and listened to local people. Since early in the 1970's, however, they have seen the District grow into a bureaucratic agency which is "more concerned with Washington policies" than with "working with local people."



According to one rancher the Study Area is "just a step toward greater control by the federal government." He elaborated, pointing out that "first it was the canyon Natural Area, then the rim Study Area, and who knows what else will come later?"

During a survey of range conditions in 1977 between the BLM and livestock permittees in the Study Area, one rancher stated that "if it hadn't been for the birds of prey and the Study Area, we wouldn't have any winter range for livestock, because it would all be under Desert Land Entry by now. Those of us that depend on this range out here ought to get together and support BLM in protecting this area."

Educational and informational efforts associated with the Study Area also were criticized by the rancher/farmer/rural resident groupings representatives. In a number of cases the criticism was not stimulated by opposition to the Study Area as much as by concern that the result of the educational/informational efforts would produce "more visitors, more trash, more fires, and more trouble."

Several were aware of the contents of an article published in a nationally-circulated magazine that favored the establishment of the proposed Conservation Area. These people severely criticized the article for the way in which it demeaned the farmers and ranchers in terms of their knowledge of and concern for ecological matters. "We're sick of being portrayed (in articles of this type) as people who rape and abuse land. Ranchers and farmers always have been conservationists -- they have to be; their survival depends on it."

People classed in the the urban and general public groupings were generally supportive of the Study Area. As a rule, they were far less knowledgeable about the specifics of the area than were the ranchers/farmers, but they understood what it was. Illustrative is a comment from one urban resident: "There should have been a study like this a long time ago."

Residents in Boise and throughout southern Idaho have had access to a number of feature articles published in newspapers, and to programs broadcast by television stations on scientific studies in the BPSA. BLM personnel have met and talked with several thousand people -- including appearances in school classrooms -- to explain and answer questions about the raptors, the uniqueness of the area, its value and scientific studies.

This generally supportive position of the general public and urban residents, however, is based on the premise that the BPSA is a special scientific project of a temporary duration.

Members of the environmental groups strongly supported the existence of the Study Area. They maintain that the BLM, as an agency of the Federal Government, is obligated to maintain the Study Area in the national interest. In the words of one respondent: "When it became clear that the raptors needed the rim lands for hunting and feeding, BLM had no choice. To preserve the concept of the Natural Area, it was necessary to set rim land aside."



Concerns regarding the importance of "outside" involvement were frequently expressed. "Local people aren't really aware of the extent of national interest in this," one respondent explained, adding, "if they knew, I'm pretty sure they'd all want it."

Several observed that the general public in Idaho supported the Study Area far more strongly than the local residents. Explaining the reason for this, a respondent mentioned that "certain local issues have muddled the water and there's some confusion -- as things settle down there will probably be a lot of local support" for the Study Area.

The activities of the BLM in providing information about the Study Area were mentioned by a number of informants in the special interest and concern groupings. "By going to the schools BLM has conveyed, through the children, a lot of important information to local adults," one proponent observed.

Many also pointed out the need for additional activities. Illustrative of a common concern was one statement: "It's awful to see the way signs are shot up and garbage is strewn around in the Area. The BLM should have the right to get guards and fences if necessary." Several compared the importance of the Study Area to a national park, "like Yellowstone," saying that "Congress should give BLM the authority it needs to protect the area."



## DESCRIPTION OF THE FUTURE ENVIRONMENT WITHOUT THE PROPOSED ACTION

### INTRODUCTION

The future of the Study Area is closely associated with the use and development proposed for the river and adjacent lands. The Idaho Department of Water Resources has developed a water plan (IWRB 1976) that calls for conversion of 850,000 acres of desert to irrigated farmland by year 2020 and the construction of associated hydropower dams to supply the energy needed to implement this plan. As a result, the Snake River and surrounding uplands would undergo pronounced change from their present condition.

Assuming that farms would be sprinkler irrigated, with no return flows, major adverse impacts on water quality of the Snake River and tributaries in the Study Area would include slight (1-10 percent) increases in turbidity, suspended sediments, pesticides, phosphates, and heavy metals, and moderate (11-25 percent) increases in conductivity and nitrates. These increases would promote noxious algal blooms and deplete dissolved oxygen supplies essential to fish. Such changes in water quality would be detrimental to fish populations and other aquatic fauna of the area.

Flow reductions of the magnitude anticipated would markedly reduce habitat for all fish species, especially edge-spawners such as smallmouth bass, channel catfish, and black crappie. Fish growth would be reduced. Adverse impacts would especially be pronounced in white sturgeon production as this species is not found in smaller flow volume rivers.

### WILDLIFE

Within the Study Area, there are an estimated 379,200 acres of desert land with potential for irrigated farm development. Since the BLM's past record indicates that they process applications for farming under the Desert Land Entry and Carey Acts, it is assumed that some public land having potential for cultivation would be farmed.

The conversion of existing rangeland to irrigated farmland would result in a shift from those wildlife species that utilize the existing habitat to species that are agriculturally oriented, such as pheasants, Hungarian partridge, quail, etc. The most significant loss would be that of the food source for the birds of prey. Without this food source, all the birds of prey, but especially the prairie falcon, would be adversely affected. The overall raptor population would decline, nesting species would desert the area, environmental education and scientific research opportunities would be forgone, and a nationally and internationally unique wildlife resource would be lost.



## VEGETATION

The present vegetative setting has evolved under the same conditions that have existed in the Study Area for the past 40 to 50 years with the exception of recent farm development, military maneuvers, and occasional burning. The vegetative community in most areas used for military maneuvers and livestock grazing would remain the same. On lands converted to farming, the natural vegetation would be removed completely and replaced with sugar beets and potatoes initially, and with alfalfa and grain crops within the next several years. Habitat for threatened or endangered plants on farm units would be destroyed.

Another adverse effect would be felt by the small rodents and other wildlife that depend on the natural vegetation for food and shelter.

## CULTURAL RESOURCES

It is anticipated that under present management practices cultural resources in the Study Area would continue to be impacted by vandals and natural forces such as erosion. Visitor use of the Study Area has been steadily rising and will probably continue to do so. This increased potential for vandalism must be countered by implementation of cultural resource protection plans.

Large scale farm development would eliminate cultural sites presently occurring on potential farmlands within the study area. Any additional dams built within the Study Area would have serious impacts on cultural resources (especially the rich concentrations found within the canyon area), and the data base which they provide.

## WILDERNESS

The Birds of Prey Study Area includes no public land which possesses the characteristics of wilderness. Therefore, no adverse impacts would result to wilderness resources. The Instant Study Area (coinciding with the Birds of Prey Natural Area) would be managed so as not to impair its suitability for wilderness classification until Congress acts on the Instant Study Area Report.

## AGRICULTURE

The Study Area was established by a temporary moratorium, which suspended the processing of Desert Land and Carey Act applications, oil, gas, and geothermal leases, and other activities that would adversely affect the birds of prey until the BLM could complete its birds of prey research. When the moratorium is lifted, the Natural Area, 26,714 acres of public land, would be managed in such a manner so as to protect birds of prey nesting and wintering habitat. The 122,600-acre military use



area would continue to be available for livestock grazing and mineral leasing, but not farming. The remaining 389,652 acres of public land would be managed on the basis of multiple use and sustained yield as specified in the Federal Land Policy and Management Act of 1976.

Under this concept of management, the public lands would be subject to a multitude of uses including, but not limited to, disposal for farming purposes under the Carey and Desert Land Acts. The extent of farm development is not known at this time, but any large scale development on public lands would be subjected to a BLM planning and environmental process before it could be developed. Livestock grazing would continue, but would be reduced if large areas of rangeland were converted to farms.

## RECREATION

Some public lands within the Study Area are expected to be lost to open space recreation uses due to the conversion of public lands to private farms under the Carey and Desert Land Acts. The natural landscape would be affected by farm and associated developments which would affect scenic values. Impacts on scenic values would not only be onsite (areas under cultivation) but also offsite due to the development of facilities needed to serve the farms, such as roads, powerlines, pump sites, pipelines, etc. The scenic Snake River corridor would be especially degraded by the development of additional irrigation pumps and penstocks. Viewing enjoyment of the birds of prey would also be diminished due to loss of habitat and subsequent decrease of bird numbers. Fishing and boating opportunities would be adversely affected by lower water quality and quantity resulting from the irrigation of farm lands.

In contrast, however, opportunities to hunt pheasants, Hungarian partridge, quail, and waterfowl would be enhanced if agriculture was developed in the Study Area and adequate cover was retained on BLM land next to the farmed land.

The 1977 Idaho State Comprehensive Outdoor Recreation Plan estimated that the recreation use in Idaho will double in the next 25 years. A similar increase in recreation use is expected to occur in the Study Area. This increase in recreation use is expected to reduce the recreational value of the area if littering, vandalism, off-road vehicle use, etc., are not controlled.

## NATIONAL GUARD ACTIVITIES

The present 122,600-acre National Guard Area would continue to be used for this purpose unless national emphasis for these lands shifted from defense to farm development.



The BLM and Idaho National Guard have developed a Memorandum of Understanding regarding future use of the area by the National Guard. Weekend training occurs from February to late November and two-week exercises take place during the summer months. The agreement contains a clause stating that if any military activity is found to be detrimental to the birds of prey, in the future, such activity may be curtailed or otherwise modified.

## MINERALS

Production of minerals could be expected to remain relatively stable depending on annual market demand for those materials. Barring any major oil or gas discoveries, or advancements in geothermal engineering technology, future activity with respect to those resources would be confined to leasing, with no major production expected. In the past few years, several geothermal test wells have been drilled in the vicinity of the Study Area. As leases reach maturity, it seems quite probable that further testing of the Bruneau-Grandview aquifer, including within the Study Area, would be done.

## SOCIO-ECONOMICS

The Study Area is expected to retain its rural character and economic dependence upon agriculture. However, livestock grazing of public land would decline if public grazing land is converted to private farm development under the Carey and Desert Land Acts. This would result in economic losses to the grazing permittees, while it would increase economic opportunities for farmers.

Discontinuation of the moratorium on intensive farm development would result in the BLM processing applications for agricultural entry. It is impossible to predict how widespread this development will be. People concerned about the harm agricultural development causes to the food sources for the birds of prey would hold BLM responsible. BLM could very easily become -- in the opinion of many of the region's residents -- the "bad guy."

Attitudes in the future without the proposed action would not be basically much different than they are at the present.



## CHAPTER 3

### ENVIRONMENTAL IMPACTS OF THE PROPOSED ACTION









## CHAPTER 3

### INTRODUCTION

The positive impacts of formal establishment of the proposed Snake River Birds of Prey National Conservation Area include the following: 1) a total ecosystem, including particularly unique geologic, soils, vegetation, and wildlife interrelationships would be permanently protected; and 2) through implementation of a thorough multiple-use/sustained-yield management plan, the biological, cultural, archaeological, recreational, scenic, and other resource values of the area would be fully considered and emphasized. The principal negative impacts of establishing the proposed Conservation Area are: 1) the loss of farming, but not grazing, potential in the area (i.e. curtailment of land conversion from native conditions to cropland pursuant to the Desert Land and Carey Acts); 2) an increase in visitor use of the area that will require increased educational and control efforts; and 3) prohibition of future entry, location, and patent of public lands under the 1872 Mining Law. Each of these impacts is discussed more thoroughly below.

### IMPACT ON WATER RESOURCES AND FISHERIES

As mentioned above, the proposed action would prohibit new large scale farm development on 325,000 acres of farmable public lands and would double visitor use of the area. No additional farming would maintain the present water quality and flow of the Snake River, as well as continue the opportunity for water related recreation and safe, human water contact. The production of the current fishery would also be maintained.

The primary impact of the proposed action on fisheries would result from the projected doubling of recreational use of the area. Fishing use within the proposed Conservation Area has increased by 40-50 percent in the last decade, and use of the area with or without the proposed action would still increase, based on this trend.

Present angler use accounts for 54 percent of the recreational use. This angler use is concentrated in the C.J. Strike area where the warm-water fish species such as bass, bluegill, and channel catfish prevalent in that area are less susceptible to fishing pressure and fishing access is limited. A considerable increase in angler use beyond projected levels would have to occur before a significant impact on fish population numbers would occur.

In conclusion, there would be no adverse impacts resulting from the proposed action on the fishery and water quality in the proposed Conservation Area. Beneficial impacts would include maintenance of the existing fishery and preclusion of some land uses which would adversely affect fisheries, such as large scale farm development.



## IMPACT ON WILDLIFE

The scope and uniqueness of the wildlife values to be protected by establishment of the proposed Conservation Area are thoroughly described in Chapter 2. Basically, the crucial foraging and nesting areas for eagles, falcons and other birds of prey would be protected so that the present densities of these species are maintained in perpetuity. Habitat for 244 other species of wildlife would also be maintained. The designation would allow the implementation of a management plan to protect the complete ecosystem, including the control of activities that might adversely affect the birds of prey, their prey, and the habitats on which all of the wildlife depends.

While the proposed action would benefit many existing species of wildlife such as songbirds, reptiles, raptors, rodents, and large and small mammals, it would reduce the opportunity to increase the habitat base for certain agriculturally oriented species that presently occur only in limited numbers in the proposed Conservation Area. Some of these species, such as the ring-necked pheasant and Hungarian partridge, are considered highly beneficial by many individuals and groups in southwestern Idaho. These sportsmen are encouraging the development of well designed farm units interspersed with existing vegetation on BLM land. They feel this type of development can help offset the ongoing loss of agricultural habitat to urban sprawl in southern Idaho. BLM and other studies show that upland game birds will increase if small areas of agriculture are developed and adequate existing vegetation is retained for cover. The effect of the proposed action would be to limit this type of wildlife activity by precluding further irrigated farm development of public lands (see below).

Since two endangered wildlife species inhabit the proposed Conservation Area, formal consultation under Section 7 of the Endangered Species Act of 1973 was initiated with the U.S. Fish and Wildlife Service. Of concern was the effect the proposed action would have on the bald eagle and peregrine falcon. On January 23, 1979, the U.S. Fish and Wildlife Service issued a biological opinion stating that "...the proposed enlargement of a permanent Birds of Prey National Conservation Area in southwestern Idaho will likely promote the conservation of the two species."

The most significant negative impact of the proposal on wildlife would likely be the increased public use of the Conservation Area. This would bring nearly twice as many people in closer contact with the birds of prey and other wildlife which could result in stress, disturbance, and nest abandonment. A potential exists for an increase in the number of man-caused fires, some of which may affect prey habitat. In the last 10 years, an average of 12.9 fires burning an average of 5,871 acres per year has occurred.

In conclusion, the proposed action would permanently protect the crucial ecosystem upon which the densest known nesting population of



falcon, eagles and other birds of prey in North America depends for food, shelter, and continued propagation of their species. The conservation of two endangered species would also be better ensured. The designation would ensure that the proposed Conservation Area remained a hospitable environment for present and future generations of birds of prey -- and people! The proposal, however, would reduce the opportunity for increasing the habitat base for agriculturally oriented upland game birds such as the ring-necked pheasant and Hungarian partridge.

#### IMPACT ON VEGETATION

Official designation of the proposed Conservation Area would maintain the existing mosaic patterns of big sagebrush, winterfat, shadscale, budsage and assorted grasses, for the most part, provided grazing intensities and use of the area by the National Guard do not increase significantly. Because current raptor populations remain high, maintenance of existing vegetation would be a logical management objective.

Over the long-term, however, the management plan for the Conservation Area must include measures such as continued livestock grazing to prevent the total vegetation resource from growing toward a homogeneous successional stage that might not support large numbers of Townsend ground squirrels and other raptor prey. Designation of the Conservation Area without provision for developing such a management plan for vegetation could cause adverse successional trends. This is the main reason that protection of the wildlife resource in the proposed Conservation Area is compatible with multiple-use management.

In conclusion, the proposed action would mandate such a multiple-use plan as discussed above. This would ensure continuance of a diversity of vegetation which supports the food source for the large population of birds of prey. The unique white sage community described in Chapter 2 would also be maintained. In addition, habitats for 2 threatened and 3 endangered plant species (involving about 1 acre) in the proposed Conservation Area would be protected.

#### IMPACT ON CULTURAL RESOURCES

For the sake of clarity, it is important to differentiate between the terms "effect" and "impact" in relation to cultural resources. Designation of the proposed Conservation Area would have no direct effect or impact on cultural resources; however, increased visitor use would be an acknowledged effect of the proposed action which may have the impact of increased vandalism and traffic over cultural sites. It is generally accepted by the archaeological community that there exists a definite relationship between the number of people in an area and the amount of vandalism occurring to cultural sites. "Any action... that would lead to an increase in the intensity of use of an area would potentially have a significant adverse impact on archaeological resources" (Schiffer and Gumerman 1977).



Because there are National Register properties within the proposed Birds of Prey Conservation Area (see Chapter 2), the State Historic Preservation Officer was contacted in regard to Section 106 of the National Historic Preservation Act of 1966. In a letter dated January 1979, the SHPO indicated that the proposed designation would not adversely affect property eligible for or listed on the National Register of Historic Places.

In conclusion, designation of the proposed Conservation Area would have some positive effects on activities relevant to cultural resources within the area. Several sites are presently undergoing severe damage caused by erosion due to vehicle traffic over the sites. If designated, the Conservation Area management plan would surely limit traffic routes. Many destructive alternate routes would be blocked, thus benefitting cultural resources. In fact, the possible beneficial impacts of the designation would outweigh adverse impacts.

#### IMPACT ON WILDERNESS

The Birds of Prey Study Area includes no public land which possesses the characteristics of wilderness. Therefore, no adverse impacts would result to wilderness resources if the proposed action is implemented.

The Instant Study Area will continue to be managed as such, therefore no impacts from the proposed action would occur.

#### IMPACT ON AGRICULTURE

Grazing. The establishment of the proposed Conservation Area would allow domestic grazing of cattle and sheep to continue under the Taylor Grazing Act and would not affect the present level of 65,000 AUMs in grazing privileges. Management objectives under the proposed Conservation Area are for the 66 livestock permittees currently utilizing the public lands in their livestock operations to continue to do so. This use would maintain present vegetative composition with resulting benefits to Townsend ground squirrels, other rodents and mammals, and ultimately the birds of prey.

Farming. The large-scale conversion of 325,000 acres of public land to private farm development would be excluded from the proposed Conservation Area. The present 196 Desert Land and 19 Carey Act applications (together covering more than 64,000 acres) would be rejected. These applicants would lose the opportunity to acquire undeveloped public land for farming at a relatively inexpensive cost of \$1.25 per acre under DLA (with required development) when compared to the cost of purchasing undeveloped private land (\$200 to \$300 per acre). No new applications would be accepted. Therefore, the opportunity to farm lands within the proposed Conservation Area under these Acts would no longer be available. This would be in harmony with objectives of the present management plan for the maintenance of vegetation and wildlife habitat in their present natural state. However, more than 600,000 acres in southern Idaho out-



side of the proposed Conservation Area are currently under application by as many as 1,800 applicants for disposal under the Desert Land and Carey Acts for farming. An additional several thousand acres also have potential for farming.

In conclusion, implementation of the proposed action would allow livestock grazing to continue at its present level. In not allowing large scale conversion of native rangeland to farms, the proposed action would protect the vegetative resource and its dependent wildlife from destruction, and promote long-term protection of the birds of prey. Future opportunities for farm development under the Desert Land and Carey Acts in the proposed Conservation Area would be forgone.

#### IMPACT ON RECREATION

The primary impact of the proposed Conservation Area would be to ensure that present outdoor recreational opportunities associated with undeveloped public land would continue in the foreseeable future. This is especially important in regard to the wildlife oriented recreational opportunities such as bird watching, hunting, and fishing. In addition, the area would provide continued opportunities for environmental education, public information programs about birds of prey, and scientific research.

Since the designation would prohibit future farm development in the proposed Conservation Area, the visual resources of open vistas and scenic canyons would be protected from alteration. Structures associated with farming such as buildings and powerlines on the flats, and pump stations and pipelines in the canyons would not intrude on the natural setting.

Although recreational use of the area is expected to double by the year 2000, with or without the proposed Conservation Area, the designation may further increase recreational use due to publicity and informational programs associated with the birds of prey research. The anticipated rise in recreational use is expected to increase the present recreational problems of unauthorized off-road vehicle use, and litter. Increased visitor use near nesting sites could increase disturbance of the birds of prey as discussed previously in this chapter. While the present management plan provides for public use and enjoyment of the area, it also provides for increased law enforcement efforts and accelerated public information programs to control and reduce present and future impacts of increased visitor use on the recreation resource and the birds of prey. On the other hand, increased tourist use could benefit the local economy in tourism associated dollars spent.

Since the proposed action prohibits farm development, the habitat base for agriculturally oriented wildlife species would not be increased. Therefore, hunting opportunities for upland game birds and waterfowl would not be increased.



In conclusion, the proposed action would protect the present recreation and visual resources from alteration by farm development. However, the proposed action is expected to double visitor use to the area with resulting increases in unauthorized off-road vehicle use, litter, and potential disturbance of nesting raptors. This increase in visitor use could have the most adverse impact on the birds of prey under the proposed action depending on type, season, and location of nesting activity and visitor activity. Intensive use of the area by visitors during the nesting season could harass the birds into abandoning their nests, thereby reducing the nesting success and young produced. Nest abandonment later in the season could also cause increased mortality in young birds. Increased tourism in the area could benefit portions of the local economy in tourist dollars spent.

Present management objectives take increased future visitor use (after establishment of the Conservation Area) into consideration by providing for control of activities affecting raptors such as shooting, off-road vehicle use, and controlling the increased influx of people through public education, signing, and law enforcement patrols. Should levels of visitor use become potentially harmful to the birds of prey, additional law enforcement, and restrictions on recreational activities affecting the birds of prey during essential nesting and brooding periods, would be incorporated into the management action and plan for the proposed Conservation Area.

#### IMPACT ON NATIONAL GUARD ACTIVITIES

The Idaho National Guard has been conducting military exercises in the proposed Conservation Area since 1953. The present BLM permit allows for military use and maneuvers on about 122,600 acres of public land. The BLM and the Idaho National Guard have signed a Memorandum of Understanding to ensure continued use of the area by the Idaho National Guard.

Since the military use does not adversely affect the birds of prey, in keeping with the management goals for the proposed Conservation Area this use would be allowed to continue.

In conclusion, the National Guard military activities on public land within the proposed Conservation Area would continue into the foreseeable future.

#### IMPACT ON MINERALS

Establishment of the proposed Conservation Area would have no effect upon the two active clay mining claims, 84 oil and gas leases (covering 144,926 acres), 17 geothermal leases (covering about 23,684 acres), and 14 permits for the removal of sand, gravel, and cinders.



Fine placer gold is periodically recovered from the Snake River, but no economical operations exist at present. Future entry, location, and patent of public land under the 1872 Mining Law would be prohibited under the proposed action. However, if mining interest is expressed in the future, locatable minerals such as clay and placer gold, which would ordinarily be disposed of under the Mining Law of 1872, may be disposed of only by lease by the Secretary.

Leasing of public lands under the Mineral Leasing Act and Geothermal Steam Act would continue in accordance with the management objectives for the proposed Conservation Area. Stipulations to this effect would be placed on each mineral lease issued for oil, gas, and geothermal development. Some development activities near nest sites during nesting periods would be curtailed, and unnecessary clearing of large areas of vegetation would be prohibited. Mineral lease applications within the Snake River Canyon and/or immediately adjacent to essential nesting sites will be allowed only with the no surface occupancy stipulation.

In conclusion, the proposed action would not adversely affect present mineral resource leasing, mining claim activity, or sand, gravel, and cinder extractions. Clay and placer gold would be disposed of by lease by the Secretary instead of under the 1872 Mining Law. Mineral leasing of public land would continue as long as the activities were in harmony with the management objectives for the proposed Conservation Area and did not adversely affect the birds of prey and their habitat.

#### IMPACT ON SOCIO-ECONOMICS

The tourist industry would continue to prosper within the proposed Conservation Area. This could be beneficial to local communities which provide recreation related goods and services as a greater demand for such goods and services could occur with an increase in visitor use.

As discussed earlier, livestock grazing is the predominant economic use of public land. Grazing at the present levels would be allowed to continue under the proposed action in accordance with present management objectives for the proposed Conservation Area. No farming activities are presently occurring on public land. The loss of farming opportunity could result in no additions to the property, income, or sales tax bases for the counties.

In conclusion, the proposed action would continue the operation of sixty-six livestock permittees presently using public lands and would benefit that segment of the local economy that depends upon livestock income. This may have an annual value of between \$934,000 and \$1,078,000. The segment of the local economy providing tourist goods and services could also benefit.







CHAPTER 4

MITIGATION MEASURES









## Chapter 4

As discussed in Chapter 3, establishment of the Snake River Birds of Prey National Conservation Area will preserve the present qualities of wildlife, water quality, fisheries, vegetation, cultural resources, livestock grazing, recreational and visual resources, National Guard activities, and socio-economics (of the grazing permittees). The principal negative impacts are: 1) The loss of present and future farming potential pursuant to the Desert Land and Carey Acts; 2) the prohibition of future entry, location, and patent of public lands under the 1872 Mining Law; and 3) an increase in visitor use to the proposed Conservation Area, which is perhaps the most significant negative impact.

Rejection of the 196 Desert Land Act and 19 Carey Act applications will occur after the Conservation Area is established by Congress. This will mean a loss of opportunity for these applicants to acquire undeveloped public lands for farming at a relatively inexpensive cost for \$1.25 per acre under DLA (with required development) when compared to the cost of purchasing undeveloped private land (\$200 to \$300 per acre). No mitigation for this foregone opportunity exists within the proposed Conservation Area. Future potential for converting public land to farms within the proposed Conservation Area would be lost. Lands outside of the area however, have potential for farm development. The BLM has recently completed a Draft Environmental Statement for Agricultural development in Southwest Idaho which delineates over 100,000 acres of land outside of the proposed Conservation Area as suitable for farm development.

Future entry, location, and patent of public lands under the 1872 Mining Law would be prohibited with the proposed action. The proposed action, however, allows for disposal of these "locatable" minerals by lease by the Secretary and mitigates impacts caused by the above prohibition.

Perhaps the most significant negative impact of the proposed action would be the previously discussed increase in "people use" of the area. This increase would adversely affect the birds of prey, cultural resources, and the present recreational resource. The management plan for the proposed Conservation Area contains guidelines that will be implemented to mitigate potential impacts to these resources. These include:

- 1) Accelerated public education programs informing visitors of the delicate ecosystem balance in the area.
- 2) Increasing public awareness that "people presence" and activity resulting in closer contact with the birds of prey and other wildlife may cause stress, disturbance and nest abandonment, and would disrupt ecosystem balance.
- 3) Increased enforcement of present shooting, off-road vehicle, and anti-littering regulations.
- 4) Limiting camping within the Area to present and future designated camping areas;



- 5) Limiting road access to the canyon rim and within the canyon to existing roads only;
- 6) Active enforcement of federal regulations pertaining to cultural, historical, and paleontological resource protection;
- 7) Diverting activities incompatible with birds of prey management such as off-road vehicle and seasonal shooting uses to nearby designated areas outside of the proposed Conservation Area. Hunting activities during the open season would not be restricted.

If increased fishing pressure began to significantly decrease game fish populations, adjustments of present fishing regulations by the Idaho Department of Fish and Game would be used to enhance game fish populations.

With proper management of visitor use, potentially adverse impacts discussed in Chapter 3 would be lessened, and few incidents would result in destruction of wildlife, habitat, or other environmental values.



## CHAPTER 5

### UNAVOIDABLE ADVERSE IMPACTS









## Chapter 5

The mitigating measures discussed in Chapter 4 would mitigate some, but not all of the impacts identified previously. The loss of present and future farming potential within the proposed Conservation Area is an unavoidable adverse effect of the proposal. Unavoidable adverse impacts resulting from the increased presence of people would still occur to the birds of prey, cultural, and present recreational resources.

The proposed Conservation Area would be closed to farm development under the Desert Land and Carey Acts. The present 196 Desert Land Act and 19 Carey Act applications involving more than 64,000 acres of public land would be returned and no new applications would be accepted. This closure would result in a loss of present and future opportunities for farming and for acquisition of undeveloped public lands for farm development.

The increased public use of the proposed Conservation Area would bring twice as many people into closer contact with the birds of prey and other wildlife which could result in stress, disturbance, and nest abandonment. Increased destruction and vandalism could occur to cultural resources, and present recreational quality could be diminished by littering and indiscriminant camping.

Public educational awareness programs discussed previously coupled with increased enforcement of regulations governing use of firearms, off-road vehicles, antiquities collection, littering, and limiting public use to existing roads, and designated camp areas would lessen such occurrences, but would not eliminate them totally. Isolated instances could still lead to disturbance of birds of prey, and destruction or degradation of other resources. The success of visitor use management depends directly upon the number of enforcement type people present in the Area, and how intense their coverage is.

If funding and positions are designated for 4 (2 full time and 2 part-time) enforcement personnel, the concentrated areas of public use could be patrolled, and optimum coverage of the area would be achieved year-round. Visitor-use-related damage to resources in the proposed Conservation Area would be reduced by the highest percentage. Less than optimum enforcement patrol would proportionally increase the occurrence of damage to resource values related to increased visitor use in the proposed Conservation Area.







## CHAPTER 6

### RELATIONSHIP BETWEEN LOCAL SHORT-TERM USES OF MAN'S ENVIRONMENT AND MAINTENANCE AND ENHANCEMENT OF LONG-TERM PRODUCTIVITY









## CHAPTER 6

Establishment of the proposed Snake River Birds of Prey National Conservation Area would 1) ensure the long-term productivity of wildlife habitat required for the birds of prey, and 2) maintain traditional multiple-use and sustained-yield management of the public lands, except when a use or activity is determined to adversely affect the birds of prey and their habitat.

The proposal would immediately preclude present and future opportunities to obtain public lands for farm development under the Desert Land and Carey Acts. The opportunity to increase the habitat base for agriculturally oriented wildlife species would also be precluded. Future entry, location, and patent of public lands under the 1872 Mining Law would be prohibited, but the proposed action provides for disposal of these locatable minerals by lease by the Secretary. Although these opportunities would be precluded, others would be maintained and/or enhanced.

The loss of farming potential would be a relatively short-term trade-off that would result in the protection, in perpetuity, of a total ecosystem which includes particularly unique interrelationships among geology, soils, vegetation, and wildlife. This trade-off would allow full implementation of a multiple-use/sustained-yield management plan that fully considers and emphasizes the biological, cultural, archaeological, recreational, scenic, and other resource values of the area.

The preclusion of farm development in the proposed Conservation Area would allow for the following: 1) Maintenance of the present water quality and flow, with related fishery production, and related water-contact recreation; 2) protection of crucial foraging and nesting areas for the densest known population of birds of prey in North America, so that the present population numbers of these species would be maintained for future generations; 3) controlling activities that might adversely affect the birds of prey, their prey, and the habitats on which all the wildlife depends; 4) promotion of the conservation of two endangered species, the bald eagle and the peregrine falcon; 5) maintenance of the existing vegetative diversity which supports the food source for the birds of prey; 6) providing additional protection and management consideration to prehistorical, historical, and paleontological resources; 7) continuance of livestock grazing, thereby ensuring the livelihood of sixty-six grazing permittees; 8) continuance of outdoor recreational and visual opportunities associated with undeveloped lands; 9) continuance of Idaho National Guard activities on 122,600 acres of public land in the foreseeable future; 10) continuance of mineral leasing for oil, gas, and geothermal resources under stipulations designed to protect birds of prey from disturbance during seasonal nesting, and to prevent unnecessary large scale alterations of wildlife habitat.

The proposed Conservation Area would maintain and enhance all of these resource values on a long-term basis. The short-term uses of the public lands for farming and uncontrolled mineral entry would be forgone, but the overall present and future environmental productivity of a unique ecosystem would be enhanced.







## CHAPTER 7

### IRREVERSIBLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES









## CHAPTER 7

The establishment of the proposed Conservation Area would mandate that existing environmental qualities on 515,257 acres of public land be maintained to protect and perpetuate the birds of prey and their ecosystem. The proposed action would curtail availability of this area for farm development, and for mineral entry, location and patent under the 1872 Mining Law. No irretrievable loss of resource values would occur.







## CHAPTER 8

### ALTERNATIVES TO THE PROPOSED ACTION









## CHAPTER 8

### INTRODUCTION

This chapter focuses on three alternatives to the proposed action. The alternatives are: A) no action; B) modification of the proposed Conservation Area boundary; and C) withdrawal of the proposed Conservation Area under Section 204 of FLPMA. Alternative B modifies the boundary in the proposed action to exclude a large block (10,360 acres) of State of Idaho land. Alternative C offers another way of preserving the ecosystem, but not on a permanent basis. Table 8-1 summarizes the impacts from each alternative.

### ALTERNATIVE A - NO ACTION

#### DESCRIPTION OF THE ALTERNATIVE

The "no action" alternative would be to manage the 515,257 acres of public land within the proposed Conservation Area as if the temporary restrictions have been lifted, i.e., under the multiple-use and sustained-yield concept as prescribed in the Federal Land Policy and Management Act of 1976. This would involve continued multiple-use management of the Natural Area, but with emphasis on protecting the nesting and wintering habitat for the birds of prey.

The "no action" alternative differs from the present management in that development that was suspended by the temporary moratorium outside the Natural Area would be considered. This would involve processing 196 Desert Land and 19 Carey Act applications covering more than 64,000 acres, 32 oil and gas applications covering 66,409 acres, 5 simultaneous oil and gas leases on 3,684 acres, and 13 geothermal lease applications covering 26,894 acres. Military use and Bureau of Reclamation withdrawal areas would remain unchanged.

Since BLM land-use plans indicate the potential for large-scale farm development of public lands within the proposed Conservation Area, and no comprehensive development proposal exists, a possible future situation has been defined for the purposes of analyzing the impact of farm encroachment upon the birds of prey. For the purposes of analysis, it is assumed that: 1) the 26,000 acres of public land within the Natural Area would be managed to protect the birds of prey nesting habitat and winter activities; 2) the 122,600-acre military use area (public land) would continue to be used for that purpose; 3) about 142,500 acres of Bureau of Reclamation land outside the Natural Area would not be farmed; 4) 182,500 acres of undeveloped grazing land which have the potential for sprinkler irrigated farming would be developed over several years; 5) 41,657 acres of public land not suitable for farming would be retained in their present condition; 6) energy and water would be available to support the potential farming opportunity; and 7) limited erosion controls would be implemented on the farms, and no irrigation return flows would occur.



TABLE 8-1

## SUMMARY OF ANTICIPATED IMPACTS

RESOURCE	TYPE OF IMPACT	PROPOSED ACTION	NO ACTION ALTERNATIVE A
WILDLIFE	ADVERSE	Increased wildlife/human interaction.	Disruption of stable ecosystem. Destruction of food source for birds of prey. Decline in population numbers of raptors.
	BENEFICIAL	Permanent protection for crucial ecosystem to maintain densest known nesting population of birds of prey in North America.	Waterfowl and upland game birds might benefit from grain crops.
VEGETATION	ADVERSE	None	Alteration of vegetation profile would destroy major element of ecosystem.
	BENEFICIAL	Maintain diversity of natural vegetation which supports food source for birds of prey.	None
CULTURAL RESOURCES	ADVERSE	Archaeological sites would continue to be disturbed.	Archaeological sites destroyed by land alteration. Other archaeological sites would continue to be disturbed.
	BENEFICIAL	Enhance protection and promote management of cultural resources.	None
WILDERNESS	ADVERSE	None	None
	BENEFICIAL	Enhance wilderness resources.	None
AGRICULTURE	ADVERSE	Rejection of 196 DLA and 19 Carey Act applications. Future opportunity for farm development forfeited.	Farm development would eliminate livestock grazing on 182,500 acres of land amounting to 19,000 AUM's.
	BENEFICIAL	Continued livestock operations of 66 livestock permittees.	Provide future opportunity for 300-400 new farmers.
RECREATION	ADVERSE	Present problems of unauthorized off-road vehicle use and litter would increase.	Recreational opportunities on 40 percent of public lands eliminate and visual resources degraded.
	BENEFICIAL	Protect present recreational and visual resources from alteration by farm development.	Hunting opportunities for waterfowl and upland game birds may increase.
NATIONAL GUARD ACTIVITIES	ADVERSE	None	None
	BENEFICIAL	Use would continue.	Use would continue.
MINERALS	ADVERSE	Prohibit future entry, location and patent under 1872 Mining Law.	None
	BENEFICIAL	Disposal of locatable minerals by lease by Secretary. Continuation of all other mineral activities.	None
SOCIO-ECONOMICS	ADVERSE	Opportunity for farm development forgone.	Economic hardship for 66 livestock operators.
	BENEFICIAL	Continue livestock operations for 66 present grazing permittees.	Provide opportunity for new farmers.



SUMMARY OF ANTICIPATED IMPACTS  
(Continued)

RESOURCE	TYPE OF IMPACT	MODIFICATION OF BOUNDARY ALTERNATIVE B	WITHDRAWAL ALTERNATIVE C
WILDLIFE	ADVERSE	Increased wildlife/human interaction. Reduce productivity of all prairie falcons in Area by 6 percent in poor prey year.	Increased wildlife/human interaction. Protection of ecosystem more tenuous.
	BENEFICIAL	Permanent protection for crucial ecosystem to maintain densest known nesting population of birds of prey in North America.	Tenuous protection for crucial ecosystem to maintain densest known nesting population of birds of prey in North America.
VEGETATION	ADVERSE	None	None
	BENEFICIAL	Maintain diversity of natural vegetation which supports food source for birds of prey.	Maintain diversity of natural vegetation which supports food source for birds of prey.
CULTURAL RESOURCES	ADVERSE	Archaeological sites would continue to be disturbed.	Archaeological sites would continue to be disturbed.
	BENEFICIAL	Enhance protection and promote management of cultural resources.	Enhance protection and promote management of cultural resources.
WILDERNESS	ADVERSE	None	None
	BENEFICIAL	Enhance wilderness resources.	Enhance wilderness resources.
AGRICULTURE	ADVERSE	Rejection of 196 DLA and 19 Carey Act applications. Future opportunity for farm development forgone.	Rejection of 196 DLA applications. Remove land from Carey Act opportunities. Future opportunity for farm development forgone.
	BENEFICIAL	Continue livestock operations of 66 permittees.	Continue livestock operations of 66 permittees.
RECREATION	ADVERSE	Present problems of unauthorized off-road vehicle use and litter would increase.	Present problems of unauthorized off-road vehicle use and litter would increase.
	BENEFICIAL	Protect present recreational and visual resources from alteration by farm development.	Protect present recreational and visual resources from alteration by farm development.
NATIONAL GUARD ACTIVITIES	ADVERSE	None	None
	BENEFICIAL	Use would continue.	Use would continue.
MINERALS	ADVERSE	Prohibit future entry, location and patent under 1872 Mining Law.	Prohibit future entry, location and patent under 1872 Mining Law.
	BENEFICIAL	Disposal of locatable minerals by lease by Secretary. Continuance of all other mineral activities.	Disposal of locatable minerals by lease by Secretary. Continuance of all other mineral activities.
SOCIO-ECONOMICS	ADVERSE	Opportunity for farm development forgone.	Opportunity for farm development forgone.
	BENEFICIAL	Continue operations of 66 present grazing permittees.	Continue operations of 66 present grazing permittees.



Although this alternative has been defined for the purpose of determining the effect of large-scale farming upon the birds of prey, other resource values would be affected. These resource values have been addressed in the broadest sense to give a wider perspective. It must be noted that these resources, as well as the birds of prey, would be subjected to an indepth environmental analysis by the BLM if such development would occur at some future date.

#### IMPACT ON WATER RESOURCES AND FISHERIES

With the anticipated conversion of 182,500 acres of land to agricultural development, the Snake River would undergo pronounced change from its present condition.

Major adverse impacts on water quality of the Snake River and tributaries of the proposed Conservation Area would include slight (1-10 percent) increases in turbidity, suspended sediments, pesticides, phosphates, heavy metals, and moderate (11-25 percent) increases in conductivity and nitrates. These impacts would in turn lead to increases in noxious algal blooms which could lead to depletion of dissolved oxygen supplies essential to fish. Increases in the water quality constituents listed above would in themselves be detrimental to fish populations and other aquatic fauna of the area. These increases would result from non-point source pollution associated with farming such as accidental chemical spills, runoff from intense rainfall, and wind erosion.

Flow reductions of approximately 1,100 cfs could be anticipated during the irrigation season (May to October) when flows average 8,500 cfs during an average-rainfall year and 5,300 cfs during a low-rainfall year (IWRB 1976). Such reductions would markedly reduce habitat for all fish species, and would especially be detrimental to edge-spawners such as smallmouth bass, channel catfish, and black crappie. Fish growth would also be reduced as fish would become more concentrated in residual flows. These adverse impacts would especially be felt by white sturgeon as this species is not found in smaller flow volume rivers.

In conclusion, major adverse impacts on water quality and fisheries as the result of this alternative would include a marked deterioration in water quality, large decreases in flow volume, and sharp reductions in growth and survival of fish in the proposed Conservation Area. Fisheries impacts would be more pronounced in white sturgeon; and edge-spawners such as smallmouth bass, channel catfish, and black crappie.

#### IMPACT ON WILDLIFE

Under the no action alternative, this ecosystem would not be afforded the permanent protection offered by the proposed action. The area would become susceptible to alteration, primarily in the form of extensive farm development. Land conversion from native range to farmland would alter the stable ecosystem presently found in this area. Specifically, con-



version from existing vegetation communities to agricultural crop land would affect those wildlife species dependent upon existing habitat conditions for life requirements. The most severe impact would be the destruction of habitat for small mammals which inhabit the area, and which provide the main food source for the birds of prey during the critical reproductive stages in their life cycles.

Prey Base. Research studies found numerous populations of Townsend ground squirrels (the prairie falcons' main food) in native range. Low to nonexistent populations were recorded in irrigated farmland (Johnson et al. 1976). Soil moisture, chemicals, and continual plowing make it impossible for these burrowing animals to keep their burrows. Since they have small home ranges, many do not relocate, but simply die. Some crops such as alfalfa do not require continual cultivation and Townsend ground squirrels will occupy these areas over a several year period. The number of squirrels from alfalfa fields contributed to the total population is small, however, in comparison to the total number contributed by range-land. Most of the crops grown on newly irrigated lands are potatoes and sugar beets which are not suitable for ground squirrels and populations do not exist.

Numerous populations of jackrabbits were also studied. As discussed in Chapter 2, high numbers of jackrabbits, an important food source for the golden eagle, were found in sagebrush areas. Jackrabbits did not inhabit irrigated crop lands. Therefore, extensive elimination of sagebrush would also be detrimental to the jackrabbit populations that presently exist (Wolfe et al. 1976). Studies of jackrabbit populations have shown that cover, not food is their limiting factor. They do feed in alfalfa fields as long as they have sagebrush nearby to live in. Sagebrush without farmlands will support jackrabbits, but farmland with no adjacent sagebrush does not support jackrabbits.

Small mammals, such as Townsend ground squirrels and jackrabbits constitute the major food source for many of the birds of prey within the proposed Conservation Area during the critical reproductive phase of their life cycle. For these birds of prey, this food source is a critical link in the ecosystem. Reduction in this prey base would lead to decreased raptor production, and would subsequently lower the number of birds of prey found within the proposed Conservation Area.

Prairie Falcons. Of all the raptor species, an increase in agricultural development in the proposed Conservation Area would most severely affect the prairie falcon population. The prairie falcons' dependence upon the Townsend ground squirrel as its primary food source during the reproductive cycle has prompted BLM researchers to conclude that the high density of these squirrels found in the proposed area ensures the high density of nesting falcons. In other words, population numbers of Townsend ground squirrels and prairie falcons are directly related. As ground squirrel numbers decrease, a corresponding decrease in falcon production is also exhibited. Townsend ground squirrels comprise approximately 74 percent of the total biomass consumed by prairie falcons and



the squirrel population limits the prairie falcons' nesting success. This was apparent during the 1977 drought, a poor year for both Townsend ground squirrel and prairie falcon reproduction. Since four to five percent of the total world's population of prairie falcons are found in the proposed Conservation Area, a reduction in Townsend ground squirrel numbers could have considerable significance to overall prairie falcon numbers.

Townsend ground squirrels occur in relatively high numbers throughout the proposed Conservation Area, but are most abundant in the winterfat, sagebrush and grass vegetative types (See Maps 2-3 and 2-4). On such vegetative sites the ground squirrel density is one-half again greater than the average density for the total area. These vegetative types occur on the most productive soils of the area and therefore are the most desirable and feasible for conversion to agricultural production. Such conversion would have a disproportionately severe impact on the population levels of the Townsend ground squirrel. This in turn, would have direct adverse effects on the ability of the area to sustain the prairie falcon.

Birds of prey research studies have evaluated the impact of intensive farm development on the Townsend ground squirrel population and consequently on the prairie falcon population in the proposed Conservation Area.

Computer simulations show that if the 182,500 acres in this alternative had been farmed in 1976 (the best ground squirrel year yet observed), ground squirrel densities throughout the Study Area would have been reduced by 33 percent. Based on research results illustrating the relationship between ground squirrel density and prairie falcon reproduction, only 400 young falcons would have fledged in that year instead of 628. In 1978 (the poorest squirrel year), the same encroachment by farm would have reduced ground squirrel density by 66 percent of the 1976 level and would have subsequently reduced the number of prairie falcons fledged to 193.

Thus, the encroachment of agriculture into the winterfat, sagebrush and grass vegetative types (the best prey habitat) would result in a loss of young prairie falcons. BLM's research studies have documented that a minimum of 104 breeding adults must be replaced annually to sustain the existing population. Since young prairie falcons experience a juvenile mortality rate of 74 percent, the area must produce at least 400 young annually. Under this alternative, during poor ground squirrel years like 1977-1978, prairie falcons would be producing less than 50 percent of the number of young needed to maintain a stable population. The capability of the prairie falcon population to be self-sustaining would be jeopardized if a sequence of poor prey years occurred.

In addition to drought losses, the Townsend ground squirrel population is also potentially open to a bubonic plague epidemic (Smith et al. 1977). If this type of disaster should occur, squirrel numbers would be even further reduced.



Both these situations are very possible, and would drastically affect the prairie falcon population. As discussed in Chapter 2, the 1977 drought in Idaho had a profound effect on the ground squirrels, and in turn, on the prairie falcons. Recovery rates for both populations have been slow, and recovery to pre-1977 levels is not expected until after 1980.

Other Raptors. While prairie falcons would be intensely affected by a conversion of native range to crop land, the effects of such land conversion on other raptors varies depending upon the raptor and prey species involved. Golden eagles and red-tailed hawks would be slightly affected by the reductions in jackrabbits and ground squirrel populations. Golden eagles and red-tailed hawks prey on a larger variety of animals and would be able to shift a portion of their diet towards the different types of prey species, such as pheasants and Hungarian partridge, that would inhabit agricultural areas. Therefore, these two raptors would not be as susceptible to prey population declines as other raptor species.

While most raptor nest sites in the proposed Conservation Area are located in the Snake River canyon and are not susceptible to physical destruction, there are some ground nesting species in the winterfat, sagebrush, and grass vegetative types that would be eliminated by agricultural development. For example, the short-eared owl, marsh hawk, and burrowing owl could have their nests destroyed. In addition to actual agricultural development, the disturbance activity that is associated with farming would also adversely affect wildlife in the proposed Conservation Area. Increased human disturbance would result in added physical stress, displacement and reduced habitat quality. Factors leading to increased disturbance include: 1) increased road development, 2) greater amount of human activity, and 3) increased number of pumping sites on the Snake River.

Sensitive, Threatened, or Endangered Wildlife. The high level of disturbance associated with large scale farm development would affect the ferruginous hawk, a sensitive species in Idaho. Because their nesting habitat is not tied to the canyon area, they are in closer proximity to potential farmland. Farm development not only destroys one of their main food sources, the Townsend ground squirrel, but also causes nest abandonment in this easily disturbed species.

The two endangered species that inhabit the proposed Conservation Area are the bald eagle and the peregrine falcon. The eagle is a winter visitor that primarily utilizes habitat near the Snake River for resting, and foraging for fish. The peregrine falcon has been reintroduced into the canyon and the success of this action has not yet been determined. Farm development and increased human activities associated with such development could disturb both of these endangered species, depending upon how close these activities are to their roosting or nesting areas.



The badger population in the proposed Conservation Area is quite large and this density is a part of the Area's uniqueness. Land conversion to farms would reduce the overall badger population and have a secondary impact upon those species that utilize badger holes as habitat. Of significance would be the burrowing owl, a sensitive species which nests in abandoned small mammal burrows.

General Considerations. Presently the birds of prey in the area contain low pesticide levels (Kochert et al. 1975; Kochert 1972). However, an increase in the use of pesticides and herbicides would accompany increased farm development and would increase the contamination levels directly or indirectly (prey base) of raptors in the area. The occurrence of certain persistent toxic chemicals in many raptorial birds has been directly linked to decreased reproductive success (Hickey 1969). Enderson and Berger (1970) showed that high organochlorine residues in prairie falcon egg contents, eggshell thinning, and pronounced hatching failures are correlated events. The cumulative effect of unregulated use of certain pesticides and herbicides could adversely affect potential and/or future populations of raptors.

In contrast to the adverse impacts that would occur to existing wildlife, the no action alternative would be beneficial to those wildlife species that utilize agriculture for all or a portion of their habitat requirement. Populations of pheasants, Hungarian partridge, mourning doves, valley quail, blackbirds, starlings, house sparrows, and barn swallows would increase in the proposed Conservation Area after several years due to the conversion of rangeland to farms. As mentioned previously, this switch from existing wildlife to new, agriculturally orientated species would have both adverse and beneficial impacts on other species, especially the raptors and other predators.

Waterfowl would benefit from agricultural development through the creation of new feeding areas. Waterfowl utilize the Snake River and other bodies of water for breeding, nesting and resting. Their limiting factor is adequate foraging areas, especially corn and grain fields. With the development of agriculture in the proposed Conservation Area, waterfowl would be able to remain in the area for longer periods. Initially however, the farmed areas would be producing potatoes, sugar beets and other high monetary return crops. It would be a few years before corn and grain crops became abundant.

In conclusion, the conversion of 182,500 acres of native range to farm development would have irreversible negative impacts on the prairie falcon population in the proposed Conservation Area and possibly on the overall population of prairie falcons in North America. The unique quality of the proposed Conservation Area would be affected. Small mammals, notably Townsend ground squirrels and jackrabbits would be eliminated from newly farmed lands, thereby reducing the availability of these species for food for birds of prey. Ground nesting raptors would have their nests destroyed. Disturbance activity associated with farm development would affect all wildlife, but would have the greatest disturbance effect on the ferruginous hawk, a sensitive species. The bald eagle and peregrine falcon could also be adversely affected by farm activity.



An increase in the use of pesticides in the area would increase contamination levels in the food sources for birds of prey, and ultimately affect reproduction success.

The productive ecosystem of the proposed Conservation Area would be irretrievably altered. As their food source declines, the birds of prey would produce fewer young or, in time, may not return to the area at all.

#### IMPACT ON VEGETATION

The most significant impact to vegetation would occur when 182,500 acres of native rangeland is cleared and leveled in preparation for irrigated farm development. The native vegetation on large tracts of public land would be destroyed. While it is not known how much of each vegetative type would be destroyed, the following vegetation types would be affected since they indicate farmable soils: Big sagebrush, big sagebrush-winterfat, shadscale, and shadscale-winterfat (see Table 2-3 for percent of occurrence in the Study Area). The unusually large stand of white sagebrush (winterfat) found in the area would also be reduced.

As discussed previously, this vegetation provides habitat for many small animals, most notably the Townsend ground squirrel and the jack-rabbit. The highest numbers per acre of ground squirrels were found in sagebrush-associated habitats. Since prey species such as these are the critical link for the birds of prey in the ecosystem, these birds would in turn be adversely affected by vegetation removal and conversion to farmland.

In addition, there would be some destruction of vegetation by construction activities during installation and maintenance of roads, irrigation systems, etc., associated with farming.

In conclusion, farm development would 1) alter the vegetation profile of the proposed Conservation Area, 2) eliminate important habitat for prey species, which would 3) adversely affect the birds of prey, all of which would 4) thereby destroy a major element of the total ecosystem.

#### IMPACT ON CULTURAL RESOURCES

At least 25 percent of the archaeological sites in the proposed Conservation Area are presently being eroded by natural causes. A number of these are being more extensively damaged by vehicle traffic and vandalism.

In the year 2000 the cultural resource data base in the proposed Conservation Area will have been reduced by such factors as vandalism and erosion. It is certain visitor use will continue its rising trend bringing with it a proportionate increase in vandalism to cultural sites, and increased erosion due to 2 and 4-wheeled vehicle traffic.

The large scale conversion of 182,500 acres of public land to agricultural development would have numerous and severe impacts on all cultural and historical resources in the area. Intensive farm development



could foster the construction of large dams, whose reservoirs would inundate a number of known cultural sites. These activities would involve an irreversible and irretrievable commitment of a portion of the cultural resource data base since even the salvage of a site represents a loss of these non-renewable resources.

Four historic sites presently on the National Register of Historic Places (Guffey Railroad Bridge and townsite, a mining settlement near Halverson Bar, and the Swan Falls Dam) could all be adversely affected by activities associated with farm development, such as irrigation reservoirs, new dams, and pipelines. Remnants of the Oregon Historic Trail could be destroyed by farm development, and the visual integrity associated with the trail would be degraded by farm development close to it.

In conclusion, failure to designate the area as the Snake River Birds of Prey National Conservation Area would have the net effect of making a large portion of the land available for other uses, particularly agricultural development. These other uses are all expected to irretrievably affect cultural and historical resources.

#### IMPACT ON WILDERNESS

The Birds of Prey Study Area includes no public land which possesses the characteristics of wilderness. Therefore, no adverse impacts would result to wilderness resources if the "no action" alternative is adopted.

The Instant Study Area would be managed as such, therefore no adverse impacts would result under this alternative.

#### IMPACT ON AGRICULTURE

Grazing. Sixty-six grazing permittees depend upon the public lands as an integral part of their year round livestock business. Their present permits involve 65,000 AUMs on public land.

If the maximum of 182,500 acres of public land are converted to farm development, 40 percent of the present rangeland would be eliminated. This would result in a loss of about 19,000 AUMs, involving a large portion of the winter range. This winter range is a key part in an "economic" livestock operation. Without the winter range operators would have to feed their cattle, which is expensive, or sell them, regardless of market prices. This loss of AUMs and especially loss of winter range would adversely affect the continuation of current livestock grazing operations.

Farming. If the maximum of 182,500 acres of public land with potential for farm development were converted to private farm development under the Carey or Desert Land Act, it would provide a future opportunity for 300 to 400 new farmers depending upon the method of land transfer.



In conclusion, farm development would be beneficial to potential farmers and detrimental to current livestock operators and their grazing operations.

#### IMPACT ON RECREATION

Under this alternative, up to 40 percent of the public land within the proposed Conservation Area could be lost to public recreational use through conversion to privately owned farms. Off-road vehicle use and sightseeing would be the activities primarily adversely affected by farm development. Hunting opportunities would be expected to increase in the future with the development of agriculture, since upland gamebirds and waterfowl would be attracted to crops of corn, grains, and alfalfa.

Loss of lands to public use would cause a concentration of recreational activities on remaining undeveloped public lands, such as those within the existing Natural Area. This concentrated use could result in conflicts between recreation and other resources as well as between recreational activities. Recreational opportunities along the Snake River would be further degraded by the construction of irrigation pump sites on undeveloped recreation sites, and by the lowering of water quality and quantity due to irrigation withdrawals.

Scenic and visual resources throughout the proposed Conservation Area would be adversely affected by the conversion of undeveloped land into farms, and by the construction of farm-related roads, transmission lines, buildings, pump stations, pipelines, canals, etc. The most serious visual impacts would be caused by the development of additional pump stations with penstocks within the Snake River Canyon.

In conclusion, the conversion of 40 percent of the public lands to farm development would irreversibly affect the recreational and visual resource values of the proposed Conservation Area. Quality and quantity of recreational and visual opportunities would be degraded.

#### IMPACT ON NATIONAL GUARD ACTIVITIES

For the reason given in Chapter 3, the effect of implementing this alternative would be no different from that of the proposed action.

#### IMPACT ON MINERALS

Regardless of the method of land transfer, the mineral values of any public land for leasable minerals (oil, gas, and geothermal) or locatable minerals (clay and placer gold) would be evaluated, and the mineral rights reserved to the Federal Government. Therefore, leasing, as such, would not be affected by farm development, unless the private farmland developer will not allow occupancy on his property. This use is negotiated by the mineral lessee and the private land owner. Public lands would be open to entry, location and patent under the 1872 Mining Law.



In conclusion, the conversion of 182,500 acres of public land would have no adverse effect on leasable or locatable mineral opportunities, except where private surface owners will not allow occupancy on their lands, which may prohibit mineral development.

#### IMPACT ON SOCIO-ECONOMICS

Implementation of this alternative would result in economic hardship for 66 livestock operations, while at the same time create economic opportunities for 300 to 400 farmers. However, it is felt by the livestock permittees that without their winter grazing ranges, most of the livestock operators would go out of business. "Most range livestock operators utilize an intricate mesh of private, state, and federal land for grazing. To eliminate some segment of the total could necessitate liquidation" (Soulen 1979). This could result in the loss of from \$934,000 to \$1,078,000 annually to the livestock related economy of the area.

The economic opportunities for 300 to 400 potential farmers would increase. Initially, crops of potatoes and sugar beets would be planted. Market values for these crops are currently depressed, therefore economic value of this opportunity would depend greatly on market values at harvest time.

Most new land analyzed for development adjacent to and within the proposed Conservation Area would have to be irrigated by pumping water hundreds of feet up from the Snake River. This entails large capital investments and enormous quantities of electrical energy. These costs have raised serious questions about the economic feasibility of bringing new land into production.

A comparable situation involving over 100,000 acres was analyzed by BLM in a recently published impact statement regarding irrigated farm development in southern Idaho. While it is very difficult to quantify these costs, the best estimate available to date suggests irrigating roughly 100,000 acres of public land would annually require generating approximately 500 million kilowatt-hours of electricity.

If the private utility serving southwestern Idaho constructed a new generating plant to meet this new demand the cost of the energy produced in 1977 dollars would be approximately \$60 million per year. Under the current rate system, this cost would be apportioned among all the utility's customers. Irrigators bringing the new land into production and creating the demand for the new supply of electricity would pay approximately \$8 million, or about 13 percent of the total annual cost; \$47 million or 78 percent would be paid by all other ratepayers; the remainder would be paid by off-irrigation season sales to other utilities.

These costs would translate into a public energy subsidy of \$420 per acre per year, or a \$90 per year increase in the average Idaho residential ratepayer's electricity bill.



If the utility were able to enter into a joint venture with another company to obtain the required electricity only when needed during the irrigation season, the energy subsidy could be reduced to approximately \$140 per acre or a total of about \$14 million annually.

Even though the bulk of the energy costs required to bring the new lands proposed for irrigation would be borne by the general public in Idaho, the remaining costs borne by the new irrigators would have a depressing effect on their net farm incomes.

The two energy production options discussed above would for example, result in roughly \$20,000 - \$24,000 annual energy costs for a typical new 320 acre farm adjacent to the birds of prey Conservation Area.

Based upon 1972-1976 weighted average crop prices, and a typical farm operating budget, energy costs of these magnitudes would result in approximate annual net incomes of \$1,500 - \$5,400. The U.S. Department of Labor estimates the 1978 poverty level income for a farm family of four members to be \$5,270.

At 1977 farm level prices the typical new 320 acre farm unit would suffer an estimated net loss of \$29,000 - \$33,000 per year.

In addition to substantial increases in their own power bills, existing irrigators in southern Idaho would be affected at the marketplace by the conversion of additional public lands to irrigated agriculture. For example, it has been estimated that within five years the 100,000 acres of public land proposed for development adjacent to the Conservation Area would produce, among other crops, approximately 750 million pounds of potatoes. All other factors remaining equal, this new production could reduce farm level potato prices nationwide by more than one third. At 1978 prices, many Idaho farmers sold their potatoes for less than the cost of production, or simply gave them away.

It should also be noted, however, that many new schemes of providing water to arable lands included in the designation are now being considered, many of which are less expensive and much more viable than present considerations. Also, farm surpluses are short term trends and often reverse in one or two years (Chapman 1979).

In the past few months, several proposals for providing water to arable lands by gravity flow irrigation or low-lift pumping have been studied by the State Department of Water Resources. One such proposal considered was the Bruneau Plateau Project. At a meeting of the State Water Resources Board, on November 18, 1979, the Department of Water Resources stated that the results of a \$100,000 feasibility study indicated the project would not be financially workable. An additional feasibility study was recommended for next year, if funds become available.

At this meeting, Idaho Power Company stated that the project could cost Idaho Power customers an extra \$20 million a year because of the annual loss of up to 570,000 megawatt hours of hydroelectric power



generation. The project would force Idaho Power to buy expensive coal-fired power from out of state to make up for the hydropower losses. Idaho Power Company also stated at the meeting that it would vigorously oppose any additional diversion or withdrawal of water for irrigation from the Snake River system. It would also oppose all off-stream and upper Snake River water storage for irrigation purposes due to the detrimental effect such storage would have on annual hydroelectric power generation capabilities.

In 1977, a coalition of concerned Idaho citizens petitioned the Public Utilities Commission claiming that Idaho Power Company was not protecting its water rights below Milner Dam (east of the proposed Conservation Area) for hydropower generation by allowing diversion of water from the Snake River for irrigation purposes. Idaho Power countered the charge by filing suit in court against these citizens to get a court ruling in the matter. At that time, Idaho Power placed a moratorium on electrical hookups for any facilities drawing irrigation water out of the Snake River. They expect to continue this policy until a final court ruling is received in the matter.

Given the present situation, it appears that this dilemma of water for irrigation or water for hydropower would have to be resolved before any proposals for additional irrigated agriculture are deemed viable.

There are other direct costs associated with converting additional public lands in southern Idaho to private irrigated agriculture. Like the land within the proposed Conservation Area, the adjacent 100,000 acres proposed for irrigation development by BLM outside the Study Area is grazed by domestic livestock as an integral part of private ranching operations. Grazing would be directly eliminated on a little more than 100,000 acres and hindered and or jeopardized on a far greater area. These reductions would make it economically impossible for many livestock operators to stay in business.

Development of this land for farms could result in additional income to this area and the State of Idaho, as well as increase the property, income, and sales tax bases.

In conclusion, conversion of public rangeland to farmland would 1) eliminate 66 continued economic livestock operations on public land, 2) provide opportunity for new farmers, depending on market values for crops, and 3) possibly increase the property, income, and sales tax base for the State of Idaho and the immediate area.



## ALTERNATIVE B - MODIFICATION OF THE PROPOSED CONSERVATION AREA BOUNDARY

### DESCRIPTION OF THE ALTERNATIVE

This alternative to the proposed action would modify the boundary of the proposed Snake River Birds of Prey National Conservation Area to exclude a 10,360-acre block of State-owned land west of Mountain Home (Map 8-1). As described in Chapter 1, BLM's jurisdiction does not apply to State or privately owned lands, only to public lands. The impacts of this alternative on resource values would not differ from those discussed under the proposed action (Chapter 3), except for 1) loss of opportunity for BLM to acquire these lands as a part of the proposed Conservation Area by land exchange, and 2) loss of national recognition of these lands as being a part of the total birds of prey ecosystem.

### SUMMARY OF IMPACTS

This block of land was analyzed by BLM's computer graphics system for vegetation characteristics, and raptor prey species composition and density. The area presently is comprised of 71 percent dense sage and sage/brome vegetation cover types, and 26 percent forb/grassland. The vegetation on this block of State land provides important habitat for raptor prey species.

Because of this vegetative composition, the area has 1.5 times the density of Townsend ground squirrels and blacktailed jackrabbits as the average for the Study Area. Thus, the area can be considered a significant foraging area for raptors, especially prairie falcons and golden eagles.

Using known prairie falcon nest sites over the years 1974-78 and generalized hunting ranges based on radio telemetry results, 41 traditional prairie falcon pairs which nest along the Snake River have ranges extending into this area, and a maximum of 31 pairs have utilized the area in any one year. The generalized hunting ranges of these 31 falcon pairs encompass an area of 171 square miles, including the Mountain Home Air Force Base (9 square miles), the 10,360 acres of State lands (16 square miles), and about 17 square miles of existing farmland. Because falcons do not hunt over the farmland or the Air Force base only, 145 square miles of native range is presently utilized by these 31 pairs of raptors for hunting.

In the Crater Rings, less than two miles from the State land, 3 additional pairs of prairie falcons, one pair of golden eagles, and one pair of ferruginous hawks nest. While none of these pairs has been radio tracked, these birds nest well within foraging distance of the block of State lands.

State law requires that State lands be managed for the highest monetary returns to the State school system. Therefore, it is highly probable that these 10,360 acres of State land would undergo alteration



to maximize the State's monetary returns, either through farm lease, or range improvement in the form of crested wheatgrass seedings. As mentioned previously, these lands are included in a 145 square mile hunting area for 31 pairs of prairie falcons.

If we assume that 50 percent of these 145 square miles of native range have potential for either farming or seeding (the average for the north side of the Study Area is 40 percent), then agricultural conversion of the 16 square mile block of State land would represent a 22 percent encroachment of the farmable habitats.

This is comparable to 22% conversion depicted on page 99 of the Research Report. Based on the observed relationship of ground squirrel densities and prairie falcon reproduction, in a good prey year, the 31 falcon pairs would produce only 75 young compared to 90 produced with no development (a 17% reduction). In a poor year, like 1978, only 40 would be produced if the land were farmed. The reduction in productivity for birds in this heavily farmed section of the area might even be more severe since the calculations were based on the entire area. The proportion of the 31 falcon pairs' foraging area that has already been farmed is higher than throughout the total Study Area. While impacts of converting the land to crested wheatgrass would not be as severe as conversion to farmland, the reduction of prey species will still have a significant adverse impact on these 31 pairs of prairie falcons.

The impacts of this alternative on resource values other than wildlife will not differ from those discussed under the proposed action (Chapter 3). While BLM has no jurisdiction over State-owned lands, BLM and the State of Idaho have worked closely on managing lands important to all wildlife species, especially the birds of prey.

In conclusion, the opportunity for BLM to acquire these lands as a part of the proposed Conservation Area by land exchange could be forgone. The loss of national recognition of these lands as being a part of the total birds of prey ecosystem may increase the probability of their alteration. Such alteration could reduce the productivity of 31 pairs of prairie falcons by 17 percent which consequently reduces the overall prairie falcon production of fledged birds.

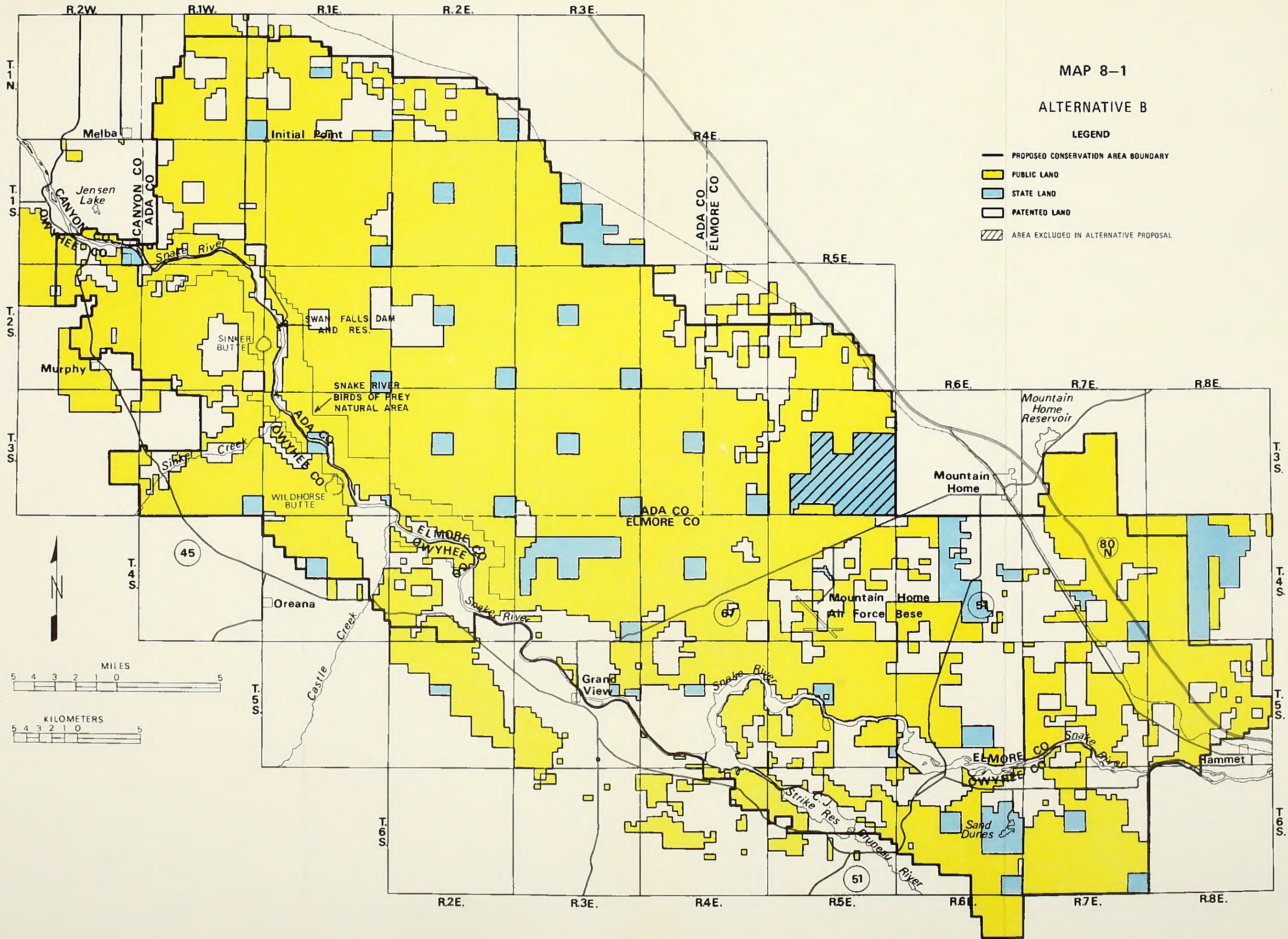


MAP 8-1

ALTERNATIVE B

LEGEND

- PROPOSED CONSERVATION AREA BOUNDARY
- PUBLIC LAND
- STATE LAND
- PATENTED LAND
- ▨ AREA EXCLUDED IN ALTERNATIVE PROPOSAL









## ALTERNATIVE C - WITHDRAWAL OF THE BIRDS OF PREY NATIONAL CONSERVATION AREA UNDER FLPMA

### DESCRIPTION OF THE ALTERNATIVE

Alternative C to the proposed action is to protect and maintain the public lands delineated by the proposed Birds of Prey National Conservation Area through administrative withdrawal by the Secretary of the Interior under the authority of Section 204 of the Federal Land Policy and Management Act (FLPMA). This withdrawn area would encompass the same area as that of the proposal (See Map 1-1). Within this withdrawn area, the public lands would be administered by the Bureau of Land Management (BLM). Although lands owned by the State of Idaho and private individuals would be included in the withdrawn area, use of these lands would not be affected under this alternative.

The Secretary of the Interior may withdraw these 515,257 acres of public land for not more than 20 years subject to Congressional review. Since withdrawals are subject to administrative review during the life of the withdrawal, and must be reviewed at the end of the withdrawal period, they may be extended or revoked at any time.

This alternative proposes that the effect of the withdrawal would be to remove these public lands from appropriation under the non-discretionary public land laws including the Carey Act, and the State of Idaho Admissions Act, and from mineral entry, location, and patent under the 1872 Mining Law. However, minerals subject to disposal under the 1872 Mining Law may be disposed of by lease by the Secretary under regulations to be developed. The Bureau of Reclamation withdrawals would be revoked, and these lands would be withdrawn under the proposed Conservation Area withdrawal. The present 196 applications for public land under the Desert Land Act would be rejected, and the proposed Conservation Area withdrawal would be closed to application for future farm development under the Desert Land Act.

Under this withdrawal, the Secretary of the Interior through the BLM would manage the proposed Conservation Area withdrawal as provided in a land use plan developed under the authority of Section 202 of FLPMA. The existing land use and management plan would be updated as necessary. Basically, the proposed Conservation Area withdrawal would be managed so that the birds of prey and their nesting and foraging areas would receive primary consideration. Other land uses would be allowed so long as they do not jeopardize these birds of prey or their habitat.

### SUMMARY OF IMPACTS

The impacts of alternative C would be the same on all resources as the impacts identified under the proposed action with one major difference.



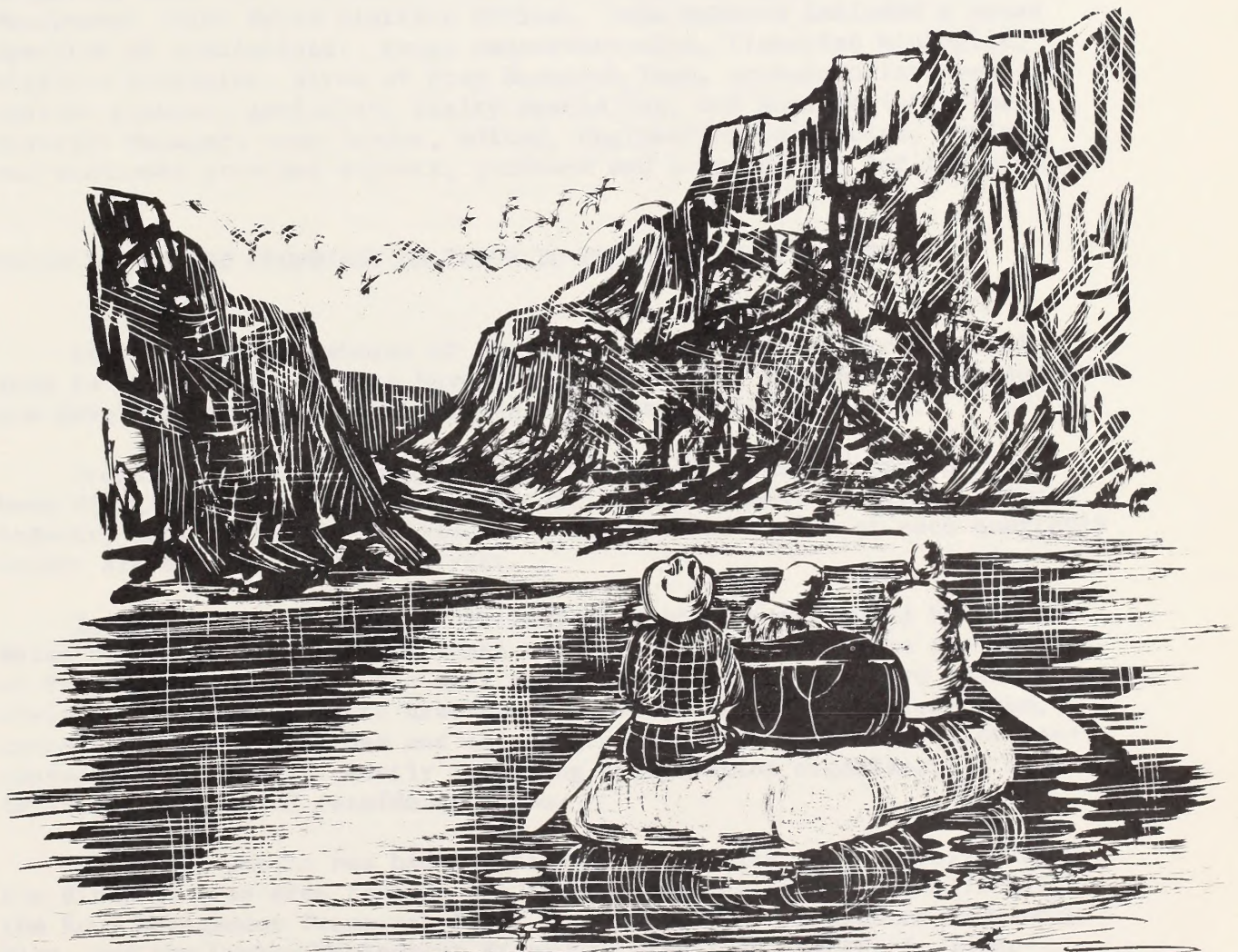
While the proposed action (legislative designation) protects the resource values and the entire ecosystem in perpetuity, this withdrawal alternative does not. The protection and maintenance of all resource values in the proposed Conservation Area withdrawal, and the future existence of the ecosystem upon which many of these resources depend, would be more tenuous than under legislative designation of the land.

Revocation of the proposed withdrawal at any time would allow irreversible and irretrievable alterations to occur to these resources, as discussed in alternative A - no action. Most importantly, such alterations would destroy the Conservation Area's complex and stable ecosystem, and eliminate the unique birds of prey resource.



CHAPTER 9

CONSULTATION AND COORDINATION









## CHAPTER 9

### INTRODUCTION

This chapter includes a brief history of the consultation and coordination undertaken prior to and during preparation of this statement. Information about the organization of the ES team, federal, state and local agency contacts, and public comments is also included.

### ORGANIZATION OF TEAM FOR PREPARATION OF THE DRAFT ES

On September 21, 1978, the team assembled in Boise, Idaho, to begin preparing this ES. The team consisted of a staff from the Bureau of Land Management (BLM) Boise District Office. Team members included a broad spectrum of specialists: range conservationist, fisheries biologist, wildlife biologist, Birds of Prey Research Team, archaeologist, recreation planner, geologist, realty specialist, and sociologist. The District Manager, team leader, editor, engineering technician, typists and draftsmen provided support, guidance and coordination for the effort.

### CONSULTATION AND COORDINATION PRIOR TO PREPARATION OF THE ES

Since the establishment of the Snake River Birds of Prey Natural Area in 1971, many contacts have been made to keep the public informed of new developments in research findings and management programs.

Starting in 1974, approximately 750 annual research reports have been distributed each year to universities, government agencies, private industry and interested individuals. One hundred copies of each quarterly report are also sent out each year.

In the spring of 1974, an intensive effort was initiated by the BLM Boise District to give educational and informational talks on the Birds of Prey Area. Boise and the many surrounding communities have been visited. Primary contacts have been schools, colleges, service clubs, conservation organizations and church groups. Many tours have also been conducted to the area, mostly involving conservation organizations from locations within and outside of Idaho.

The local public has had additional opportunity to be involved with the Birds of Prey Area through the Bureau Planning System, specifically the Kuna Management Framework Plan, the West Owyhee Management Framework Plan, and the Owyhee Management Framework Plan (See Chapter I, Inter-relationship with Bureau Planning System).



The public at large has been kept informed by information dispersed through articles in various publications and films such as:

- Our Public Lands Magazine
- Audubon Magazine
- Sunset Magazine
- National Wildlife Magazine
- Pacific Search Magazine
- Defenders Magazine
- Ranger Rick Magazine
- Wild Kingdom (2 T.V. programs)
- Time Life Wild World of Animals (T.V.)
- The Nature Conservancy (film)
- Audubon Film Lecture Series
- Numerous local, state and national newspapers

#### CONSULTATION AND COORDINATION IN PREPARATION OF THE DRAFT ES

During the preparation of the draft environmental statement (DES), the team was in contact with other federal offices, state and local agencies, interest groups and individuals. Communication varied from formal written comment to informal personal contact. The Idaho Governor's Office and the State Clearinghouse have been kept up to date on any new developments regarding the Birds of Prey Area as discussed in Chapter 1.

On November 17, 1978, the Boise District Office sent out a news release describing BLM's plans to prepare an ES on the Snake River Birds of Prey Conservation Area proposal. This news release was sent to 137 newspapers, 58 radio stations, 18 television stations and 2 news services.

Five general groups of people were interviewed to obtain the social attitudes for this statement. They were the general public, ranchers and farmers, local urban residents, local rural residents and groups with special environmental or conservation interests and concerns.

The U.S Fish and Wildlife Service was informally contacted during the preparation of the DES. By letter of November 17, 1978, the FWS was formally contacted for consultation relative to requirements of Section 7 of the Endangered Species Act. This consultation process was completed on January 23, 1979. The Fish and Wildlife Service concluded that the proposed Birds of Prey Conservation Area would promote the conservation of the bald eagle and the peregrine falcon, and the Idaho Department of Fish and Game provided additional information on the status of the Snake River fishery, sensitive species and wildlife. Informal contact has been maintained throughout the environmental statement process.

The State Historic Preservation Office (SHPO) was contacted in regard to Section 106 of the National Historic Preservation Act of 1966. The SHPO's recommendations have been incorporated into the text. The Bureau of Reclamation, Soil Conservation Service, Idaho Department of



Lands, Idaho Department of Water Resources, Idaho National Guard, the Nature Conservancy and the Idaho Power Company were also contacted informally during the preparation of this statement.

A request was made to the U.S. Geological Survey on January 9, 1979 for a Mineral Report on the Study Area. A report was received on March 13, 1979, and the information has been incorporated into this text.

The draft environmental statement (DES) was released on June 30, 1979. The Department of Interior notice of availability was published in the Federal Register, Volume 44, Number 132, on July 5, 1979. The notice announced a 45-day review period ending August 20, 1979. At the informal request of the Governor of Idaho, this review period was extended until Sept. 14, 1979. Public hearings were held in Boise and Washington, D.C. on August 2 and 9 respectively.

Copies of the DES were made available for public review at the Boise District Office, Idaho State Office, BLM Public Information Office in Washington, D.C., other BLM State Offices, all Idaho district offices, and selected libraries. Approximately 1200 copies of the DES have been distributed. Copies of the DES and requests for comments were sent to the following agencies, organizations, interest groups, and individuals. Names of parties who provided comments are preceded by an asterisk:

#### Federal

- Advisory Council on Historic Preservation
- Department of Agriculture
  - Science and Education Administration-AR
  - \*Soil Conservation Service
- \*Department of the Air Force
- \*Department of the Army
- Department of Commerce
- Department of Health, Education and Welfare
- Department of Housing and Urban Development
- Department of the Interior
  - Bureau of Mines
  - Bureau of Reclamation
  - \*Fish and Wildlife Service
  - \*Geological Survey
  - Heritage Conservation and Recreation Service
  - \*National Park Service
- \*Department of Transportation
- \*Environmental Protection Agency
- \*Federal Energy Regulatory Commission
- \*Federal Power Commission

#### State

- \*State of Idaho
  - \*Governor's Clearinghouse
  - \*Department of Fish and Game
  - Department of Water Resources



- \*Department of Highways
- Department of Lands
- Department of Energy
- Department of Agriculture
- Department of Health and Welfare
- Department of Parks and Recreation
- Military Division

#### Local

- Ada County Commissioners
- Ada County Planning and Zoning Commission
- Canyon County Commissioners
- Canyon County Planning and Zoning Commission
- Elmore County Commissioners
- Elmore County Planning and Zoning Commission
- \*Owyhee County Commissioners
- Owyhee County Planning and Zoning Commission

#### Nongovernmental Organizations

- \*Ada County Fish and Game League
- \*American Association of University Women
- \*Audubon Society
- Boise Riding Club
- Capital Conservation Club
- \*Carey Act Association of Idaho
- Citizens Alliance
- Coalition to Save the Snake
- \*Friends of the Earth
- Gem State 4-Wheel Drive Club
- Greater Snake River Land Use Congress
- Idaho Archaeological Society
- Idaho Association of Soil Conservation Districts
- \*Idaho Cattlemens Association
- \*Idaho Conservation League
- \*Idaho Environmental Council
- \*Idaho Farm Bureau Federation
- Idaho Federation of Garden Clubs
- Idaho Gem Club
- Idaho Historical Society
- \*Idaho League of Women Voters
- \*Idaho Mining Association
- Idaho Motorcycle Association
- Idaho Outdoor Association
- \*Idaho Water Users Association
- \*Idaho Wildlife Federation
- \*Idaho Woolgrowers Association
- Mountain Home Air Force Base Sportsmen Club
- Nampa Rod and Gun Club
- \*National Wildlife Federation
- National Trust for Historic Preservation
- \*National Wildlife Society



- \*Nature Conservancy
  - Off Road Motorcyclists Council
- \*Oregon High Desert Study Group
  - Outdoors Unlimited
  - Peregrine Fund
- \*Sierra Club
- \*Southwest Idaho Development Association
  - Snake River Conservation Research Center
  - Snake River Regional Studies Center
- WETA of Idaho

#### Other

- Senator Frank Church
- Senator James McClure
- \*Congressman Steve Symms
- Congressman George Hansen

#### Public Hearings on the DES

The BLM conducted two formal public hearings regarding the adequacy of the DES. One hearing was held August 2, 1979, in Boise at the Rodeway Inn; testimony was presented by 54 individuals. The second hearing was held in Washington, D.C. on August 9, 1979, at the Dept. of Interior Auditorium; testimony was presented by 9 individuals. The full transcripts of these hearings are available for review at the Boise District Office. These transcripts, along with all written comments, and copies of the Final Environmental Statement were sent to the Secretary of the Interior and to the Environmental Protection Agency. A copy of all these items remain in the Boise District for review.

#### PROCEDURES FOR RESPONDING TO PUBLIC COMMENTS

A total of 302 letters were submitted during the comment period, and oral comments from 63 individuals were presented at public hearings. All of the letters and testimony were reviewed and analyzed to determine if they met the established criteria for consideration in preparation of the final environmental statement (FES). In order to be considered, comments had to present new data, question facts or the adequacy of the impact analyses, and raise questions or issues bearing directly upon the DES. The text of the FES was changed to reflect these comments, where necessary. Editorial comments (dealing with grammatical errors, or small errors in information, for example), if not substantive, were not responded to, although appropriate text changes were made.

Many of the letters and testimony received merely voiced support or opposition to the proposal or alternatives. Of the 63 testimonies received at public hearings, 29 supported the proposal, 32 opposed it, 4 were neutral. Fifteen individuals presented substantive comments which



are addressed in the following pages. Of the 302 letters received, 218 supported the proposal, 3 supported Alternative A, 1 supported Alternative B, 4 supported Alternative C, 43 opposed the proposal, and 33 were neutral. Thirty letters contained substantive comments and are addressed in the following pages.

Oral and written comments were assigned consecutive numbers in order to simplify the response process during printing of the Final ES. All comments are answered immediately after each comment. The letter numbers are used to identify the reprinted letters in the following section.



#### ORAL COMMENTS

- #1 Lloyd Waters, Mtn. Home Newspaper
- #2 William E. Shands, The Conservation Foundation
- #3 Bruce Bowler, self
- #4 Bill Meiners, Idaho Wildlife Federation
- #5 J. W. Swan, Idaho Cattlemen's Association
- #6 Rayola Jacobson, Grandview, Idaho
- #7 Mont Warner, self
- #8 Phil Soulen, Sunnyside Winter Range Grazing Association
- #9 Robert O'Conner, Idaho Power
- #10 Russell Hayward, Great Basins Petroleum Company
- #11 David Hawk, Intermountain Gas Company
- #12 Domingo Aquirre, self
- #13 Bill Ringert, self
- #14 Guy Colyer, self
- #15 Vern Ravenscroft, self

#### WRITTEN COMMENTS

- 16 - Daniel A. Poole, Wildlife Management Institute, Washington, D.C.
- 17 - Merlin & Elsie Eltzroth, Corvallis, Oregon
- 18 - Frederick & Janet Ward, Boise, Idaho
- 19 - David Leroy, Pete T. Cennarrusa, Jerry Evans, Joe R. Williams, Phil Batt, State of Idaho
- 20 - Gordon Tate, Meridian, Idaho 21 - Daniel A. Poole, Wildlife Management Institute, Washington, D.C.
- 22 - Steve Payne, Wilderness Society, Boise, Idaho
- 23 - Larry A. Hipple, State of Idaho Transportation Department, Boise, Idaho
- 24 - W. F. Loudenslayer, Jr., Riverside, California
- 25 - Kent Coe, Baker, Oregon
- 26 - G. K. Green, State of Idaho Transportation Department, Boise, Idaho
- 27 - J. R. Mitchell, Atlantic Richfield Company, Denver, Colorado
- 28 - Floyd Phillips, Mesa La Paz Association, Rupert, Idaho
- 29 - E. F. Hubbard, U.S Geological Survey, Water Resources Division, Boise, Idaho
- 30 - George Windrow, U.S. Air Force, Langley AFB, Virginia
- 31 - Michelle Morrison, League of Women Voters, Boise, Idaho
- 32 - Sallee Gasser, Verna Brown, Dorothy Mandiloff, League of Women Voters, Idaho Falls, Idaho
- 33 - Donald A. Spencer, National Agricultural Chemicals Association, Washington, D.C.
- 34 - Alexandra B. Smith, U.S. Environmental Protection Agency, Seattle, Washington
- 35 - William J. Huhtala, Northwest Pipeline Corporation, Salt Lake City, Utah
- 36 - Richard J. Fisher, U.S. Fish and Wildlife Service, Boise, Idaho
- 37 - Walter H. Yarbrough, Majority Caucus Chairman, Capitol Building, Idaho
- 38 - Al Teske, Idaho Mining Association, Boise, Idaho
- 39 - William F. Ringert, Anderson, Kaufman, Anderson & Ringert, Lawyers, Boise, Idaho



- 40 - Gordon Tate, Meridian, Idaho
- 41 - Sherl L. Chapman, Idaho Water Users Association, Inc., Boise, Idaho
- 42 - Oscar Field, Idaho Farm Bureau Federation, Boise, Idaho
- 43 - Lynda C. Smithman, Boise, Idaho
- 44 - Lee Morgan, Pete Taylor, Soil Conservation Service, Idaho Chapter, Boise, Idaho
- 45 - Dave Leroy, Pete Cennarusa, Jerry Evans, Joe Williams, State of Idaho, Boise, Idaho



ORAL COMMENTS  
Boise ID, & Washington, D.C. Public Hearings

Commentor Number 1

Comment: "The report shows, page 1-2 that: Research investigations found no jackrabbit or ground squirrels in these new farmlands. We believe this is a lie. Any farmer in southern Idaho who has ground near the open sagebrush will tell you that it is a continuing battle to protect his crop from the jackrabbits and ground squirrels. If the birds choose to eat the animals they'd be tickled as punch."

Response: The findings by researchers concerning the ground squirrels and jackrabbits pertained to newly developed farmlands. After the initial several crops of potatoes or sugar beets are harvested, many farms are planted to alfalfa. After a period of 2-3 years, ground squirrels will reinvade alfalfa and continue to increase in population. Because these rodents can do extensive damage to fields of alfalfa, farmers in the area commonly treat their fields with poisoned grain to eliminate the rodent problem. When these fields are plowed and replanted, this ground squirrel population is eliminated. Jackrabbits use alfalfa fields only if there is adequate cover such as sagebrush next to the fields.

Commentor Number 2

Comment: "Increased visitation could reasonably be expected to benefit the economics of the counties and communities in the area. However, the Environmental Statement is silent on the potential tourism-related economic benefits which might result. In fact, the draft Environmental Statement addresses the anticipated increase in visitors only in negative terms. . ."

Response: The 1977 State Comprehensive Outdoor Recreation Plan prepared by Idaho Department of Parks and Recreation states that tourism was the third ranking industry in Idaho, contributing \$358,000,000 to the economy. Tourism was preceded in ranking by agriculture (farming, livestock grazing, and related industries) which contributes \$1,326,000,000 to Idaho's economy, and manufacturing which contributes \$821,000,000.

According to the plan, \$69,223,562 was expended by visitors in the Trails Region (The Study Area is included in this region) during 1975 for outdoor recreation goods, services, facilities, operating and maintenance. This expenditure is conservative since it does not consider expenditure for food, transportation, most lodging, and some clothing costs. Most expenditures occur at the place of residence for recreation goods and equipment. The preceding has been added to the Recreation and the Socio-Economic discussions in Chapter 2 and is noted in the Socio-Economic section of Chapter 3 in the ES.



Commentor Number 3

Comment: "I did notice that the part of the Morton dedication to Ed Booker was not included in the environmental statement as it should have been."

Response: The part of the dedication to Ed Booker has been incorporated in the ES in Chapter 1.

Commentor Number 4

Comment: "As one who conceived the idea and worked to the establishment of the Snake River Birds of Prey Natural Area, I must confess great disappointment that the Draft Environmental Statement ignored a most important fact; that is, the purpose for which the Snake River Birds of Prey Natural Area was established.

It was not for the purpose as stated at page 1-1, and I quote, "for the protection of raptor nesting and wintering habitat."

Although this was achieved, the background objective, and purpose goes far beyond such a limited view. The dedicatory plaque which was placed on that memorable date, August 24, 1971, says it best in just a few words: The Snake River Birds of Prey Natural Area: Dedicated that the eagle, the falcon, and other raptors may soar free for man's inspiration and in memory of Edward C. Booker, Boise District Manager from 1962 to 1969, who recognized the meaning of this canyon and charted a course to preserve its worth."

Response: The section has been revised in the ES and the information has been added to Chapter 1, Introduction.

Commentor Number 5

Comment: "Dr. Wayne Cook of Colorado State University has recently completed a five year study that placed the value of an AUM between \$40 and \$55 annually.

Using the \$40 figure, which includes the multiplier effect, we see that the present value of grazing in the proposed conservation area has an annual value of \$2,600,000.

The BLM in their economic analysis of the proposed conservation area places a value between \$10.86 and \$12.53 per AUM. This does not take into account the multiplier effect of these earnings, nor does it take into account the present value of livestock."

Response: The BLM analyzed the economic returns from cattle grazing in the proposed Conservation Area and found that the returns varied from \$10.86 to \$12.53 annually per AUM. These figures updated to 1979 would be \$14.37 and \$16.58 respectively. The income to ranchers from the BLM AUMs would range from \$934,000 to \$1,078,000 annually. BLM's figures represent income generated by an AUM, whereas Dr. Cook's figures



represent market value of an AUM including livestock value. Dr. Cook, however, stated to BLM during a telephone conversation in October that his data is to be used only for the State of Colorado, and not for any other state (Cook 1979).

Commentor Number 6

Comment: "We are also concerned about the future value and usage of our property. Will the government at some future date limit our usages, and decrease land value?"

Response: Designation of the proposed Conservation Area affects only the public land. It would not affect private land, or its use.

Commentor Number 7

Comment: "Over the past three years there have been numerous wells drilled in southwestern Idaho, both shallow wells and deep wells. In all of these wells, we have had shelves of gas. And this gas is anywhere in composition from C-1 to C-5. These are symbols for petroleum fractions, meaning there is a wide range of petroleum substance in the gas.

Also, some of these wells have also had good shows of oil, live oil. I have examined the cuttings myself and found this live oil in the cuttings.

These kinds of findings by the oil companies and by the geologists interested make us realize that all of southern Idaho apparently does have a very strong -- there is a very strong possibility that we have a large petroleum reserve.

It will take a lot of exploration and a lot of money and a lot of time to find these accumulations."

Response: The information in the Minerals section of Chapter 2 has been revised to include additional information from U.S. Geological Survey, reports by geologists, and oil company field reports.

Commentor Number 8

Comment: "Most range livestock operations utilize an intricate mesh of private, state, and federal lands for grazing. To eliminate some segment of the total could necessitate liquidation."

Response: The information has been incorporated into the Socio-Economic section in Chapter 8, No Action Alternative.

Commentor Number 9

(a) Comment: "The draft statement indicates that the Idaho Power Company is proposing to build a two-dam complex within the existing natural area at Swan Falls and Guffey Dam sites. When the statement was written, that was correct.



However, since that time, the company has developed an environmental impact report by EDAW, Incorporated, the results of which caused the company and the Idaho Department of Water Resources to postpone indefinitely the plans for redevelopment of the High Swan Falls-Low Guffey Dam plan. This does not mean, however, that there are no alternative plans for the Swan Falls Dam site.

Two of these alternatives that seem possible and productive could be, (1) to add a generator in the existing Swan Falls Dam, or (2) to remove the existing dam and power plant, and construct a new dam and larger power plant just downstream at such a height that the existing reservoir level would be maintained.

Response: The information has been incorporated into Chapter 1, Interrelationship with State, Local, etc. of the ES to reflect these changes in Idaho Power's proposal. References to the Swan Falls Guffey project have been amended where appropriate in the ES.

(b) Comment: "In the case of C. J. Strike, the company has no immediate plans to alter or change the facility, but that doesn't mean that the power project will stay just as it is the rest of its useful life.

At the conclusion of its useful life, it will undoubtedly be rebuilt.

As a result of the plans that the company has for these two structures and associated transmission lines, the company is requesting that the Snake River Birds of Prey Statement permit changes, alterations, additions, and new construction as is outlined in the examples above, including the transmission and distribution lines.

In addition, there are substations and individual customers within the Birds of Prey Area who will, from time to time, require changes. It is the company's contention that the electrical facilities, that is, generators, transmission lines, substations, and distribution lines have been compatible within the Birds of Prey Area as they have been located within the area for many years."

(b) Response: Since multiple use management of the lands in the proposed Conservation Area will continue, it is expected that alterations and maintenance of present structures would also continue. Present BLM policy is to examine requests for electrical facilities such as generators, transmission lines, substations and distribution lines on a case by case basis. This policy is expected to continue within the subject area. New construction activities would be examined on a case by case basis also, to ensure that the birds of prey and other resource values on public land would not be adversely affected in the long term.

Commentor Number 10

(a) Comment: "In the statement, reference is made to the continuance of oil and gas leasing within the conservation area.



Nowhere is there one word about exploring for oil and gas by geophysical and other means; testing for the presence of oil and gas by wildcat drilling; developing, by further drilling, any field discovered; installing gathering and treating systems and shipping oil or gas by pipeline.

Even if the entire conservation area were to become one giant oil field, our activities would involve less than three per cent of the surface. Because only a small part of the area might be productive, our total impact will be minute.

Sensitive areas, unless they are very large, can be avoided by proper planning."

(a) Response: The DES found no conflicts between the proposal and oil and gas and geothermal exploration and leasing. When BLM issues a mineral lease for oil and gas, and geothermal resources, we presume that exploration by whatever means will be forthcoming, as will testing and production of the resource. The Environmental Assessments prepared for the mineral leasing program have taken these activities into consideration prior to any lease being issued.

(b) Comment: "Our second point of concern with the Draft Statement has to do with several references to the wilderness potential of parts of the conservation area. Under a strange interpretation of the law by the BLM, now being contested in Rocky Mountain Oil and Gas Association versus Andrus in a Wyoming federal court, we are locked out of any potential wilderness area in which we own leases until it has been surveyed and found to be not suitable."

(b) Response: An accelerated wilderness inventory for the Study Area has shown wilderness values to be clearly lacking in this area. The respective portions of the ES dealing with wilderness have been updated to reflect this newer information.

The Present Birds of Prey Natural Area is identified as an Instant Study Area for wilderness under Section 603 of the Federal Land Policy and Management Act. Until Congress acts on the Instant Study Area report, the area will be managed so as not to impair its suitability for wilderness classification.

(c) Comment: "Our third point of concern is on page 2-51, under the section "Future Environment without the Proposed Action," where it states, and I quote, The 122,600-acre military use area will remain unavailable for other uses. We are advised that other uses, that is, grazing, are being made of the area and that the adjutant general of the Idaho National Guard does not consider oil and gas activities incompatible with the military use of the area. We strongly oppose the imposition of a ban by the BLM against oil and gas activities within the military area, and are confident that we can coexist peacefully with the military activities."

(c) Response: The Idaho National Guard Use area is available for mineral lease application. The National Guard however, does wish to be contacted by lessees prior to their conducting activities on these lands



to avoid potential hazards to human life. The statement in Chapter 2, Description of Future Environment, Agriculture section, has been amended.

Commentor Number 11

Comment: "We do, however, disagree with the statement that there are few valuable minerals within the proposed conservation area. The dearth of information on minerals in the impact statement cannot justify such a comment. The references in the impact statement list almost no geological reports.

We believe there is the potential for a significant mineral resource in the proposed Birds of Prey Area. Certainly there has not been sufficient geological, geophysical, and hydrogeological studies done to adequately assess the actual mineral value. We believe there must be allowed the opportunity to conduct these studies by both state and federal agencies, as well as private industry."

Response: The statement in the ES refers to locatable minerals. The speaker is concerned about oil and gas resources. The ES recognizes the area has potential for oil and gas, and that a large geothermal aquifer underlies the region. Mineral leasing for such activities will continue under the proposal so this mineral potential can be revealed and utilized.

Commentor Number 12

Comment: "One other thing that I had in mind is reading the Birds of Prey book, the textbook, I was a little bit skeptical about and a little bit afraid about the cattle people and the sheep people was the fact if the food for the squirrel was a situation, then the cattle and sheep would have to leave and the birds would stay in existence."

Response: Studies in the proposed conservation area have shown that livestock grazing complements the habitat for the Townsend ground squirrel.

Commentor Number 13

Comment: "Now that we have invested \$800,000, according to the Idaho Statesman, in this program already and it is still in its initial study area and yet this report, this statement does not address -- or at least if it does address it, I didn't find the information -- anything about the facilities that will be required, the number of people that will be required, the direct cost in administration of the program proposed by this proposal.

Response: The initial study phase has been completed. No facilities, or additional costs, above the current program are planned at this time. An expected increase in visitor use to the area (with or without the proposal) would require 2 full time and 2 temporary law enforcement type personnel, which has been identified in the present management plan for the area. This information has been added to Chapter 1, Administration and Management.



Commentor Number 14

Comment: "One statement that is false in the DES is that farming destroys jackrabbits. Anyone living in the Birds of Prey Area realizes that the jackrabbits run in cycles. The years of this study have been low jackrabbit studies. The numbers are now increasing, and will continue to do so until disease kills them. Many of these rabbits will live off of farm lands, and especially in drought years."

Response: Research studies conducted by independent researchers found the highest numbers of jackrabbits in sagebrush habitat. Farming destroys the sagebrush habitat and hence, affects the jackrabbit. The cyclic population of the jackrabbit was taken into consideration when research studies were designed. Studies of jackrabbit populations have shown that cover, not food is their limiting factor. They do feed in alfalfa fields as long as they have sagebrush nearby to live in. Sagebrush without farmlands will support jackrabbits, but farmland with no adjacent sagebrush does not support jackrabbits.

Commentor Number 15

(a) Comment: "But again, there is an omission insofar as the new development is concerned, using the state supervision of the Carey Act, state law requires that the settlers of the new land at their own expense provide up to \$5 per acre in mitigation fees to replace grazing values that might have been jeopardized, and \$1 per acre for the mitigation and wildlife resources that may have been jeopardized."

(a) Response: The information has been incorporated into the definition for the Carey Act in the Glossary of the ES.

(b) Comment: "You have ignored the new feasibility proposals coming from the State Water Resource Department, the first study of which was initiated just this month on the Bruneau Plateau, to provide waters to these lands by a gravity system, and thereby minimizing the expenditure of energy."

And on this same subject, we should not overlook natural gas as a source of energy, or the economics, or where the seasonal demands and usage is considerably different as compared to that for electrical energy.

(b) Response: The ES addresses electrical pumping of water from the Snake River because up until now that has been the most widely accepted and used method. However, in the past few months, several proposals for providing water to arable lands by gravity flow irrigation or low-lift pumping have been studied by the State Department of Water Resources. One such proposal considered was the Bruneau Plateau Project. At a meeting of the State Water Resources Board, on November 18, 1979, the Department of Water Resources stated that the results of \$100,000 feasibility study indicated the project would not be financially workable. An additional feasibility study was recommended for next year, if funds become available.



At this meeting, Idaho Power Company stated that the project could cost Idaho Power customers an extra \$20 million a year because of the annual loss of up to 570,000 megawatt hours of hydroelectric power generation. The project would force Idaho Power to buy expensive coal-fired power from out of state to make up for the hydropower losses. Idaho Power Company also stated at the meeting that it would vigorously oppose any additional diversion or withdrawal of water for irrigation from the Snake River system. It would also oppose all off-stream and upper Snake River water storage for irrigation purposes, due to the detrimental effect such storage would have on annual hydroelectric power generation capabilities.

In 1977 a coalition of concerned Idaho citizens petitioned the Public Utilities Commission claiming that Idaho Power Company was not protecting its water right below Milner Dam (east of the proposed Conservation Area) for hydropower since it had allowed continual diversion of water for irrigated agriculture. Idaho Power countered the charge by filing suit against these citizens to get a court ruling in the matter. At that time Idaho Power placed a moratorium on hookups of electric facilities for diversion of Snake River water for irrigation purposes. This moratorium is still in effect, and is expected to continue until a court ruling is received.

Given the present situation, it appears that this dilemma of water for irrigation or water for hydropower would have to be resolved before any proposals for additional irrigated agriculture are deemed viable.



## WRITTEN COMMENTS

### Letter 16

Comment: "For example, page 3-5 states clearly that vegetative manipulation will be necessary on the area to maintain suitable habitat for prey species. We assume that such manipulation could require practices, such as chaining and prescribed burning, that may not be compatible with wilderness designations under the 1964 Act. However, page 3-7 states that creation of the proposed Conservation Area would have no adverse impact on wilderness resources."

Response: The inconsistency has been noted. Accelerated inventories for wilderness values, were completed for the proposed Conservation Area in July, 1979. These inventories found the Study Area clearly lacking in wilderness characteristics. The Natural Area, classified as an Instant Study Area under Sect. 603 of FLPMA, will continue to be managed so that potential wilderness values will not be impaired. Possible progress for vegetative manipulation would be evaluated in a separate site specific environmental assessment. This updated information has been included in the respective portions of the ES dealing with wilderness.

### Letter 17

Comment: "Furthermore, we've seen a lot of press recently about the continued use of pesticides in Oregon and other places and talked to Chuck Henny about this on several occasions. If you allow farming on any part of the area you would certainly prohibit use of all pesticides, wouldn't you?"

Response: Any chemicals applied to public lands must be registered with and deemed proper for use by the Environmental Protection Agency. Any treatments administered on public lands in the proposed Conservation Area would be evaluated for their specific effect on the wildlife resource. Once lands are deeded to private owners, however, the BLM no longer has jurisdiction over chemical applications.

### Letter 18

Comment: "The draft EIS is remarkably vague about badger management, especially since the badger competes directly with prairie falcons for Townsend ground squirrels. We hope the conservation area will be large enough to accommodate both raptors and badgers. Some sort of badger abatement program should not even be considered."

Response: The badger is a part of the total ecosystem. The extensive studies which were done on the badger have affirmed its role in the functioning ecosystem, and clarified its predator/prey relationship to the Townsend ground squirrel. BLM feels that by seeking to protect the entire functioning ecosystem, all wildlife components, including the badger would be accommodated. No abatement program would be considered.



(a) Comment: "The environmental statement offers and considers no compromise land area proposals. Although seeking 800,000 plus acres, the study and statement inadequately address the potential impact to the raptor population of smaller preserves. While the Townsend ground squirrel is acknowledged as critical food source justifying the expansion, competent evidence contained in the study area itself contradicts the implication that these ground squirrels inhabit the whole area."

(a) Response: On September 29, 1977, BLM received a Secretarial Directive to "prepare alternatives, including proposed legislation which would permanently protect the area necessary for the Snake River Birds of Prey." Research studies contracted with the Univ. of Western Illinois had identified through radio tracking, the hunting areas and distances of the raptor species most demanding of its ecosystem, the prairie falcon. In the management of ecosystems, it is a well recognized fact that if the needs of the most ecologically sensitive species and the species requiring the largest spatial area are satisfied, then the needs of all other species in the ecosystem would be satisfied as well. Since "protection" was based on an ecosystem concept, the boundaries for the proposal were based on the biological needs of the prairie falcon on the north side of the river, and the hunting habitat of the red-tailed hawks, ferruginous hawks, and golden eagles on the south side of the river. The 719,914 acre area of the proposal represents the minimum amount of habitat needed for the ecosystem to remain a self sustaining, functioning entity. Because of the wealth of scientific research available on the area, information from past studies of ecosystems and their functions, and the fact that the acreage identified was a minimum figure, protection for the birds of prey population would not have been served by a lesser area.

(b) Comment: "The environmental statement does not consider the concept of "incremental farming". It is entirely possible that a gradual development of farming in proper Carey Act land areas, with adequate controls and guaranteed open spaces to protect the bird and food source population, could permit the side-by-side existence of additional intensive agriculture and a healthy raptor community. This type of gradual and controlled development could provide a proper way of balancing interests and would determine more definitely than studies and projections ever can, the affect of small percentage increases of selected intensive farming on the area over time."

(b) Response: The research studies conducted in the Birds of Prey Study Area evaluated prey densities and raptor foraging in twenty different types of habitat, including new farms and well established agricultural areas. The information was analyzed to evaluate the effects of potential agricultural encroachment on the birds of prey ecosystem. According to the research report projections, changes in productivity would be gradual. Gradual reductions in productivity in proportion to incremental conversion of native rangelands to farms would occur. With conversion to farming in increments ranging from 1% to 15%, a proportionate reduction in prairie falcon productivity would occur.



Each incremental increase in farming, would also incrementally effect the integrity of the ecosystem. With each reduction in productivity, the normal surplus of prairie falcons needed to facilitate the required replacement of breeding adults during poor productive years would be reduced.

The 15% level is that level where even good years, the population would not produce that number of young required for the population to sustain its numbers and maintain its stability.

(c) Comment: "No discussion whatever is devoted to the impact upon those people who have already, in good faith under existing federal law, filed for farm lands under the Carey Act. This proposal provides no alternative lands near the Snake River as an alternative site for the prior filings, even though the Bureau of Land Management withdrew 113,000 acres from the study area which is otherwise eligible for Carey Act applications."

(c) Response: The ES states in Chapter 3 that present applicants whose applications under the Desert Land and Carey Acts would be rejected, would lose the opportunity to convert these desert lands to farms. The mere filing of an application for a parcel of public land does not in any way obligate the government to set aside other land for the applicant should the application be rejected. The applicants involved would, on their own initiative, have to locate other land suitable for their needs and file an application thereon.

(d) Comment: "No discussion is made in the environmental statement as to the effect the expansion and designation will have on Mountain Home Air Force Base, its training and national defense role, and the related economy of the surrounding area."

(d) Response: Due to the nature of flight patterns and activities of the Air Force, no conflict is expected to arise between the operation of the Mountain Home Air Force Base, its training and national defense role, the economic return it provides the surrounding area, and the proposed National Conservation Area designation. To date, operations of the Air Force in the area have not conflicted with the use of the area by the birds of prey, and therefore would continue. This information has been added to Chapter 1 of the ES under Interrelationships with State, Local, etc.

(e) Comment: "The environmental statement does not even consider the alternative of State ownership and management of some or all of the proposed area of Birds of Prey. The State possesses a viable management entity, the Department of Fish and Game, that is well staffed and capable of overseeing the area much more economically than could the federal government."

(e) Response: As pointed out at the beginning of letter 049, State owned "land is held and managed under constitutional mandate for the sole purpose of generating maximum endowment revenue to fund public education in Idaho." State land is thus preordained by such a mandate for management or disposal for monetary return. Protection of the



ecosystem for birds of prey is BLM's directed objective; the State's mandate for management does not fulfill this objective.

Under the Federal Land Policy and Management Act of 1976, Section 102, Declaration of Policy, it is mandated, among other things, that public lands be retained in Federal ownership, that these public lands be managed on the basis of multiple use and sustained yield, subject to national interest considerations, and that they be managed in a manner that will protect the quality of the environment to provide food and habitat for fish and wildlife and domestic animals. The traditional legal role of BLM to manage the habitat, and the State Fish and Game Department to manage the species will continue.

The Idaho Department of Fish and Game has been continually involved with management of wildlife in the Study Area for many years. This involvement is detailed in the Chapter 1 section on "Interrelationships with State, Local and Other Federal Agencies, Private Groups and Universities".

(f) Comment: "The environmental statement does not directly consider and address the question of water rights and the appropriation of water from the Snake River. Although it is our understanding that amendments to the proposed legislation are being prepared which will clarify state control over those water rights and forever and absolutely disclaim any federal government intention of ownership or regulatory authority over Idaho's waters, the omission by the studies and statement to contemplate that point is a gross and almost unpardonable oversight. Without language which gives absolute certainty and clarity in this regard no legislation will ever be acceptable to the State of Idaho."

(f) Response: While the ES was in preparation, from November 1978 to May 1979, the question of water rights did not surface, as no conflicts or needs for water rights were identified relative to this proposal in research data or by resource specialists. The question arose while legislation was being drafted in Washington in July of 1979. Amendments to the proposed legislation are being prepared to clarify state control over these water rights. It would seem inappropriate at this time to include a discussion in the ES of an issue that has apparently been resolved.

Letter 20

(a) Comment: "The proposed Birds of Prey Area would apparently include the Mountain Home Air Force Base, and all of the National Guard maneuver area. Does this give precedence of hawks and owls over our fighter planes? Surely these are not compatible uses."

(a) Response: Approximately 3,680 acres of public land are withdrawn under Public Land Order No. 987 for the Mountain Home Air Force Base. The Idaho National Guard has been issued a military maneuver permit covering 122,600 acres of public land. These uses would continue under the proposed Conservation Area. Research investigations have shown these uses to be compatible with the birds of prey ecosystem. Both the Mountain Home Air Force Base and the Idaho National Guard



actively avoid areas of known bird concentrations to avoid bird strike collisions. The military requests information from BLM on such concentrations as part of an on going "Bird Strike Avoidance Program".

(b) Comment: "Development of this land would result in millions of dollars of income to this area, to the state of Idaho and to our national economy, as well as substantial increases in our property, income, and sales tax base. No mention of these factors is made in the Environmental Impact Statement."

(b) Response: We acknowledge that this potential exists. The information has been added in Chapter 8, No Action - Impact on Socio-Economics.

(c) Comment: "The assumptions made as a result of the \$800,000 bird-life study are contradictory in many phases. On 8-14 they talk about the reduction in Townsend squirrels from development, and yet on 2-18 they admit that "only the few squirrels with access to green vegetation such as irrigated alfalfa fields survived and reproduced in 1977." They apparently did not study the squirrel population around the irrigated fields, or chose to ignore this increased population in their computer calculations on Section 8-9."

(c) Response: The reference cited in Chapter 8 is to newly farmed lands; lands which would produce potatoes and sugarbeets for at least the first 3 years. The number of squirrels from alfalfa fields contributed to the total population is small in comparison to the total number contributed by rangeland. This reference has been clarified in the ES. The distribution and locations of ground squirrels is discussed in Chapter 8, No Action - Impact on Wildlife.

(d) Comment: "Chapter 7 states, No irretrievable loss of resource values would occur. The proposed action would irreversibly curtail availability of this area for farm development, and for mineral entry, location and patent under the 1872 mining law. Since when are agriculture, and minerals not important resource values? This paragraph contradicts itself."

(d) Response: The statement has been amended in Chapter 7 of the ES.

Letter 21

Comment: "p. 1-8. Do the proposed boundaries include all lands within the 15 mile forage area of prairie falcon? If not, the boundaries should be expanded to include them.

p. 1-6, 2nd par. Why limit raptor population goals to the 1976-78 averages? Management might increase this.

p. 1-15 (Counties) How many man years of law enforcement are provided by contract with the three counties for the conservation area? Is there a need for a similar contract with Idaho Fish and Game Department?"



Response: The proposed boundary is based on the biological habitat requirements of the prairie falcon, red tailed hawk, ferruginous hawk and golden eagle. The boundary includes all lands within the actual foraging ranges of radio-tracked prairie falcons, which ranges as much as 15 miles from the nest.

The intent of management is to maintain the long-term stability of the natural population. These population levels are typified by the 1976-77 numbers. No artificial means of population manipulation would be utilized. Fluctuations would be the result of natural occurrences, not a result of management programs.

Law enforcement contracts call for enforcement visits to the area during certain times of the year. A summation in man-years has not been made, however a listing of visits and durations has been added to Chapter 1. The BLM and Idaho Department of Fish and Game also have a Memorandum of Agreement for the Natural Area and Study Area. These items are discussed in Chapter 1, Interrelationship with State, Local, and Other Federal Agencies, Private Groups, and Universities.

Letter 22

Comment: "I direct your attention to the testimony submitted by Pete Cole of Pocatello who noted that the proposed southern boundary presently excludes a portion of the red-tailed and ferruginous hawks' range. I believe that a boundary adjustment to pick up this defined forage area would be consistent with the goals of the proposed Conservation Area. Specifically, this adjustment should include that territory within T. 6 S., R. 2 E. - R. 8 E."

Response: The biological boundary was drawn to include the foraging ranges of the canyon nesting population of red-tailed and ferruginous hawks. Pairs nesting further than 1 mile from the canyon rim were not considered part of the unique population. Management consideration eliminated blocks of private land in this area also.

Letter 23

Comment: "Our Division is extremely concerned about statements presented in the document which indicate the BLM has the authority, and in fact, will attempt to restrict airspace over the proposed area. We are referring to statements on Page 1-10, ...include restrictions on use of the surrounding air space, and again on Pages 2-38. The BLM has also established an airspace closure over the canyon areas annually from February 1 to September 1 to prevent disturbance of nesting birds of prey by low-flying aircraft.

We do not feel that attempts by your agency to restrict or close airspace over the proposed area is in the best interest of the public. Fish and game surveys by Federal and State agencies, search and rescue missions, military operations, and emergency situations will result in flight operations below the suggested 2000' AGL minimum. Conversely, most transient air traffic normally will operate above 2000' AGL while passing over the proposed area."



Response: BLM is concerned that the FAA may not have the authority to close airspace over special management areas such as the BOP area for reasons other than air safety.

This came to light several years ago when the Boise District sought to secure FAA approval for closing airspace over the Snake River canyon and 1/23 mile back from the canyon rim on either side, from Guffey Butte to Indian Cove Bridge to prevent undue disturbance of raptors during the nesting season (Feb. 1 through Sept. 1, inclusive) from aircraft "sightseers" and related air traffic. A secondary reason was to minimize the hazard to aircraft from either the birds or "tricky" air currents. FAA officials advised that their authorities related only to closure from an air safety standpoint. As a result, BLM implemented a closure based on authority provided in The Federal Land Policy and Management Act. The notice was published in the June 16, 1978 (Vol. 43, No. 117), issue of the Federal Register. The closure notice has been added as Appendix B.

This issue is presently being resolved at the national level in discussion between the Department of Interior and the Department of Transportation. FAA is making a legal analysis of its authorities to determine whether it indeed has authority to close or restrict airspace for reasons other than air safety. Officials from the National Park Service were consulted as to their success with voluntary air space closures over environmentally sensitive areas. They stated that FAA's request to pilots to not fly over these areas was less than adequate, and specific closure authority should be sought.

When low level flights are necessary by other agencies, the military, or for emergency situations, BLM is contacted. No conflicts have occurred in such situations, and none are expected in the future.

Letter 24

(a) Comment: "One comment concerns the evaluation of impacts in the ES. Perhaps because of the nature of the proposed action, detailed impact evaluations were not necessary. I am referring to the grazing and the National Guard portions of the Statement. The end result of the grazing portion was to maintain grazing levels at the current rate. However, I was unable to find if there was any evidence to support this decision. The same with the National Guard decision. The statement indicates that such use is compatible with the proposed action but I was unable to determine what kind of activities occurred under National Guard training. Perhaps I just missed this information, but if I am correct, perhaps these questions should be addressed in the final statement."

(a) Response: The information concerning grazing can be found in the Chapter 2 and 3 discussions of Vegetation and Livestock Grazing. In essence, livestock grazing would be utilized to keep the vegetative community in its present state, which has contributed to the high prey concentrations.



Chapter 2, National Guard Activities discusses the on-the-ground activities and uses of public land in the Study Area.

(b) Comment: "My other criticisms concern details in the handling of common names for wildlife species, the use of abbreviations in the text, the organization and use of scientific names in the appendix which lists all of the vertebrates found in the study area."

(b) Response: Appendix A has been re-organized.

Letter 25

(a) Comment: "In Chapter 8 you discuss modification of the proposed boundary. But you don't mention your rationale in excluding only the 10,360 acre block of state land. Why not exclude the rest of the state land within the proposed conservation area boundary? What was your reasoning for excluding that one block of state land and not the rest of the state land? Why not the private land as well?"

(a) Response: The exclusion was made to show that these state lands were a part of the ecosystem, and are valuable to the Birds of Prey. This alternative was developed to analyze the importance of some of these "fringe" State owned lands. The boundary identifies lands involved in the ecosystem for the birds of prey. The boundary was drawn to encompass the hunting habitat which the raptors are using. Since the raptors make no distinction between public, State, or private land in their hunting forays, these lands were also included by the boundary line as they are a part of this particular ecosystem. Although these state and private lands are within the boundary, they are not and would not be affected by BLM's management policies as BLM has no jurisdiction over these lands. BLM will fully cooperate with all affected landowners to ensure each's enjoyment of all property rights conveyed by instrument or inherent in such property ownership.

(b) Comment: "Why wasn't a map and discussion included on the BLM's initial wilderness inventory on the proposed Snake River Birds of Prey Conservation Area? The initial wilderness inventory was completed in April 1979 which would have been plenty of time for you to include a discussion of the areas in your document. I hope there is debate on the possible wilderness areas along with a map in the Final Environmental Statement."

(b) Response: The Wilderness portions of the ES have been revised to reflect the updated information. The final decision by the State Director on lands to be further studied for wilderness was made on August 10, 1979. No portion of the Study Area was found to possess the characteristics of Wilderness.

The present Birds of Prey Natural Area was identified as an Instant Study Area for wilderness under Section 603 of the Federal Land Policy and Management Act. Until Congress acts on the Instant Study Area report, the area will be managed so as not to impair its suitability for wilderness classification.



Letter 26

Comment: "A significant feature within the boundaries of the proposed area is the highway network which includes Interstate 80N; State Highways 67, 51, and 45; and a number of county roads. In addition, borrow sources, which provide needed materials for maintenance of these roadways, are located within the proposed BPNCA boundaries. While the Draft Environmental Statement identifies impacts to a number of human activities and facilities, it is deficient in that it does not address transportation facilities and how they may be affected by the proposal. I strongly recommend such coverage be included in the final document."

Response: The transportation network consisting of roads, highways, railroads, etc., and the maintenance activities associated with this network would not be affected by the proposed action. These uses and the operations necessary to maintain them, as well as new transportation projects, would continue in the Conservation Area under FLPMA.

This concern has been added and is discussed in Chapter 1 under Interrelationships with State, Local and other Federal Agencies, Private Groups, and Universities.

Letter 27

Comment: "Certain statements in the DES are confusing when discussing the impacts on mineral exploration and production. On page 1-4, it states that "this proposal would prohibit mineral entry and patent under the 1872 Mining Law." However on page 3-13, it says that "mineral leasing on public land would continue as long as the activities were in harmony with the management objectives for the proposed conservation area and did not adversely affect the birds of prey and their habitat." We believe that exploration and development activities can be conducted in a manner which will be in harmony with the wildlife present in the area."

Response: The 1872 Mining Law applies to locatable minerals such as clay and placer gold within the Study Area. Location and patent under this law would be prohibited under the proposed action. Locatable minerals usually mined under this law would be available, for mining, however, under special lease provisions by the Secretary of Interior. Mineral exploration and leasing for oil and gas, and geothermal resources occur under the Mineral Leasing Act of 1920 and the Geothermal Steam Act of 1970, respectively. Since research studies determined that any potential conflicts between exploration and development of minerals could be mitigated by special lease stipulations near essential nesting habitat, mineral leasing of oil, gas, geothermal and locatable minerals could continue under the proposed legislation.

Letter 28

Comment: "In the BLM book, "Snake River Birds of Prey National Conservation Area", on map 2-2 (Townsend Ground Squirrel Density) we



note that we do not have ground squirrels on the entry. Map 2-3 (Raptor Foraging Ranges) shows there are Red-Tailed and Ferruginous Hawks in the area. We feel good firm ground will produce more rodents for the birds than the desert ground ever will.

We are informed the new sanctuary would contain 515,257 acres of federal land, 43,619 acres of state land and 161,037 acres of private land. This is not realistic for 1,000 pair of raptors. To set aside over 700 acres for each pair of raptors is inconceivable."

Response: Refer to response 19 (a), (b) and (c).

Letter 29

Comment: "In Chapter 2-3, the flow data (about 1965) should be updated to indicate more current information. For example, our report "Water Resources Data for Idaho, Water Year 1977," provides the following factual data at two gaged sites within or near the study area. For Snake River at King Hill, (river mile 546.6), the average discharge for a 68-year period of record is 10,800 cubic feet per second. Downstream at river mile 453.5, the Snake River at Murphy average discharge for a 64-year period was 11,070 cubic feet per second. We believe use of either of the above figures would improve your statement."

Response: The updated information has been added to Chapter 2, Water Resources and Fisheries section.

Letter 30

(a) Comment: "The only recognition of Air Force facilities or operations in the area is on page 1-14 which states that a portion of the land is withdrawn for Mountain Home Air Force Base. The summary of provisions suggested for inclusion in the Birds of Prey National Conservation Area Bill includes a provision however for "Partial or complete temporary closure of...airspace." The impact of such a broad action is not adequately described nor discussed."

Response: The discussion in Chapter 1 has been expanded. The airspace closure is a seasonal restriction on low flying aircraft and applies to the Snake River canyon and one-half mile back from each rim. No portion of the military base at Mountain Home nor the Saylor Creek Air Force Range are included in this closure. The closure has not conflicted with flight patterns or activities of the military using these facilities, and is not expected to conflict with such activities in the future. A copy of the Federal Register Notice describing the lands covered under this closure can be found in Appendix B.

(b) Comment: "A discussion describing the effects of and impacts on military aircraft operations within and adjacent to the Birds of Prey Conservation Area. This should include not only the Mountain Home AFB area but also the Saylor Creek Air Force Range.



The draft statement should also address how designation of the conservation area will affect land use of the base proper at Mountain Home AFB (ref page 1-14)."

(b) Response: Refer to response 19(d) and 30(a) which have been incorporated into the ES. The Saylor Creek Bombing Range is outside of the proposed area and is withdrawn for Air Force use under Public Land Order 1027 (11/8/54) and Public Land Order 4902 (9/22/70). Establishment of the Conservation Area will not affect military uses of the Mountain Home Air Force Base or the Saylor Creek Bombing Range. Flight patterns and maneuvers to date have not been in conflict with the birds of prey since the military actively avoid areas of bird concentrations under their "Bird Strike Avoidance Program". The Air Force keeps BLM apprised of their flight patterns and operations and BLM keeps the military apprised of land use proposals which may affect military operations such as powerlines, special use permits, etc. No conflicts are expected to occur in the future between the Conservation Area and the military.

Letter 31

(a) Comment: "Of the farmable public acreage, how much is vital to the perpetuation of the birds of prey? What percentage of the public, the private, and the state land in the study area provide for raptor hunting grounds? How many Townsend ground squirrels, jackrabbits, etc. are necessary to maintain the present population of raptors within BPNA? The Summary of Anticipated Impacts of Alternative B [Table 8-1] reveals a potential prairie falcon productivity reduction of 6% for only a 10,360 acre difference in land. Other raptor/prey/land correlations do appear under section 8-6, Impact on Wildlife, however, League feels such data should be more explicitly documented to justify the proposed land withdrawal."

(a) Response: The boundary for the proposed conservation area was based on the biological needs of the raptors as determined by detailed scientific research (USDI BLM 1979). For the continued survival of the total raptor population, the entire area is vital. It was found that the potentially farmable acreages contain the highest densities of prey species making these acreages even more important to the prey base. All the lands within the boundary are a part of the entire ecosystem; no delineation was made in hunting ranges as to state, public, or private land. Most hunting activities during the crucial reproduction period when the adult birds are feeding young, were observed over native rangeland.

To maintain the raptor population at present levels, the entire prey population in the Study Area must remain intact (i.e., this is the complete functioning ecosystem).

For explicitly detailed information, refer to the Special Research Report to the Secretary. This report thoroughly documents the correlations, while the ES is designed to summarize this technical information. The report is available at the Boise District Office.



(b) Comment: "The mineral leasing changes resulting from the proposed land withdrawal are confusing to the layman. Map 1-1 identifies patented land which is defined only indirectly under the glossary definition of the Mining Law of 1872. The effective difference of mineral entry under the 1872 Mining Law versus application through the Secretary of the Interior under the Mineral Leasing or Geothermal Steam Act is unclear."

(b) Response: The patented lands on Map 1-1 are privately owned lands not related to the 1872 Mining Law.

Under the 1872 Mining Law, an individual can file a mining claim, prove up on it, and receive patent to the claim for lode or placer minerals without regard to environmental safeguards. Under the proposed action, an individual would file an application for a mining claim with the Secretary of Interior and would receive a lease for the claim subject to environmental stipulations. No patents would be issued, and lands would remain under Federal jurisdiction. These applications would be filed under rules promulgated pursuant to the Birds of Prey National Conservation Area amendment to Section 604 of the Federal Land Policy and Management Act. Such leasing would not occur under the Mineral Leasing or Geothermal Steam Act.

(c) Comment: "The ES identifies 43,600 acres of state-owned lands with the potential of 25,000 acres for exchange. The LWVI has been interested in state land for the past ten years and their position has advocated exchange of isolated tracts of land with the federal government. If land exchange does not take place, will the potential use of state lands in isolated areas have a detrimental effect on the prey population? The final ES should address prey population impact with and without such land exchange."

(c) Response: The proposed designation of the conservation area is independent of any land exchange proposals. Therefore, other than to identify these lands as a part of the ecosystem, specific impacts with or without these lands were not addressed. This information has been noted in Chapter 1, Interrelationships with State, Local, and Other Federal Agencies, Private Groups, and Universities.

(d) Comment: "The ES section under Socio-Economics [page 2-40] relating to social attitudes was most interesting but unclearly documented. Were the inquiries and personal interviews used as data for this section recorded? Did a questionnaire direct the interviews? How many people gave input to the conclusions?"

(d) Response: The information for this section was derived by informal personal and telephone contacts with people living in both rural and urban settings of the local area. About 80 people representing a cross section of occupations and interests were involved. No questionnaires as such were used, although a predetermined set of questions relating to social values, economic values and personal attitudes were used. Comments were informally recorded and drafted into the ES section. This background information is available at the District Office for inspection.



(e) Comment: "The control of increased visitor use cited in the ES as necessary for preservation of the ecosystem carries an important warning and subsequent responsibility. With approval of this public land withdrawal, is the government ready to spend more toward enforcement of its uniqueness? The ES also makes clear the need for vegetation management to insure a continued diversity for support of the birds of prey food source. This vegetation management will also require substantial resources. The monetary responsibility for increased management and enforcement should be examined with greater attention."

(e) Response: The Management Plan for the proposed area recommends that 2 full-time and 2-part time enforcement type personnel be added to the management staff to enforce increased visitor use as needed. Once legislation is passed by Congress, BLM would have the authorization to program funds for needed enforcement and other management activities.

(f) Comment: "Prospectively, a review of the ES failed to answer an important question. Can an increase in the density of raptors in the BPNA be anticipated by withdrawing a total of 515,257 acres? Is the proposed land base geared primarily toward conservation of endangered species rather than proliferation of those species? Will more land be needed in the future to increase the raptor population?"

(f) Response: No increase in the density of raptors in the BPNA can be anticipated by withdrawing the 515,257 acres. Research results indicated that during the duration of the studies, an equilibrium in terms of nesting density was reached. Both increases and decreases in nesting density that were observed were the result of natural fluctuations. Any observed increase in nesting density of raptors would not be the result of land withdrawal, but rather the result of natural phenomena.

The proposed land base is geared for protection of all species occupying and nesting in the area. While no endangered raptor species are nesting in the area, special management attention will be given to the bald eagle and the peregrine falcon which use the area during certain times of the year.

Since it is not our intention to increase or decrease the raptor population, but to protect the habitat and ensure that population levels of those species currently using the area remain at their present observed levels, no additional land would be needed in the future.

The management objectives for the proposed area are to sustain the natural population levels, not to manipulate increases or decreases. The land area proposed for designation is the minimum acreage needed to sustain the current population.

Letter 32

(a) Comment: "The ES does not explain that under the Idaho Admissions Act, when the Federal Government withdraws lands granted to the state, the state is then entitled to select other lands in lieu of



those taken. This should be fully explained in the final ES.

(a) Response: The proposed designation would preclude selection of public lands within the Conservation Area under the State of Idaho Admissions Act. Upon gaining statehood, Idaho was given sections 16 and 36 within each township. Some of these sections were withdrawn and unavailable due to National Park, Forest Service, or Indian Reservation status. The Act allows the State to select other Federal lands amounting to the same acreage, in lieu of the unavoidable lands. The State has applied for their entitlement under lieu lands provision. All of these lands are outside of the proposed Conservation Area. This information has been added to the ES in Chapter 1, Interrelationships, Idaho Department of Lands.

(b) Comment: "We also have several questions which are not answered by the ES. First, is it possible to consider another alternative somewhere in acreage between the present area and Alternative B? If so, the final ES should give that option or options."

(b) Response: Maintaining the present birds of prey population is based on a holistic ecosystem approach. A smaller area would not meet the objective of population protection and maintenance. See responses 19(a) and 31(a).

(c) Comment: "Secondly, in Alternative C, page 8-28, first paragraph, we do not understand the last statement which reads: Although.....use of these lands would not be affected under this alternative. Does that mean that the State of Idaho would still administer and lease state lands? This should be explained."

(c) Response: BLM jurisdiction under the proposed action or alternatives applies only to public lands, not to state or private lands. Thus the state would continue to administer and lease State land as it has in the past. This information has been added to Chapter 1, Proposed Action.

(d) Comment: "Finally, we question the section entitled "Social Attitudes" on pages 2-40 to 2-47. Is it appropriate to have such material in an ES? If appropriate, the ES should state specifically how people were interviewed and what controls were used. The ES seems to imply that if you are an urban resident, you favor Birds of Prey, but if you are a rural resident, you do not. We wonder if such generalizations only serve to polarize further those who support and those who oppose."

(d) Response: Under present BLM Manual Guidelines and National Environmental Policy Act regulations, the social and economic environment is discussed in an ES. See Response 31(d).

Basically, two types of interest are displayed relative to the proposed action; those that have an economic interest, and those that are interested in the Study Area for recreation and/or aesthetic activities. In this case, those with an economic interest generally reside in rural areas. This is not to say that all rural residents oppose the proposed action or that all urban residents favor it. The unavoidable polarization seems to occur on economic considerations rather than place of residence.



(a) Comment: "The proposed BPNCA of some 719,914 acres includes within its boundary 159,500 acres of private lands (19% of the study area) presently farmed for potatoes, sugar beets, beans, corn, grain and alfalfa (p. 2-34). The BPNCA plan gives the impression that this agricultural activity, and the withdrawal of irrigation water from the Snake River necessary to support it, will continue as before. It is a matter of record that most 'conservation set-aside areas' acquire a preferred status as regards environmental laws now in effect (Clean Air Act, Federal Water Pollution Control Act, Quiet Communities Act, Resource Conservation and Recovery Act, etc.). Agricultural lands encompassed in these high standard zones will be subject to significant constraints they would not otherwise be subject to.

- 1) Quality of irrigation return flows.
- 2) Drift of pesticide applications.
- 3) Since some prey species which raptors feed frequent cultivated fields, body chemical residues acquired therefrom would be of concern. This could lead to BPNCA restrictions on what registered chemicals might be employed.
- 4) Newly cultivated or fallow fields are subject periodically to wind erosion, bringing into play the 'total suspended particulate standards' of the Clean Air Act."

(a) Response: Under the proposed action, existing activities on private lands would continue. No constraints on farming activities on private land would occur as a result of establishing the Conservation Area. The laws referred to and providing for a clean environment are currently in effect on all public lands. No special or particular laws would be invoked due to the establishment of the Conservation Area. It is really a matter of assuring compliance with existing environmental quality laws.

(b) Comment: "Since the purpose of BPNCA will be to manage natural brush and rangelands to optimize numbers of raptor prey species - particularly jack rabbits and Townsend Ground Squirrels - there will be an occasional year when these two species will inflict unacceptable losses to crops. Locally, in every year, there will be perimeter damage in crops that, while not too serious, will nevertheless be a cause for friction. This problem should be recognized and dealt with in one of the following ways:

- 1) Permit growers to control mammalian pest on their own holdings, which may involve using poisoned baits.
- 2) BPNCA assumes responsibilities for rodent control.
- 3) BPNCA will compensate growers for crop losses inflicted by protected prey species."



(b) Response: Currently, farmers who experience rodent infestations distribute poisoned bait to control damage to their crops on their private lands. The proposed action would not affect activities such as spraying or baiting for pest or weed control on private lands. Distribution of poisoned bait, herbicides, and pesticides on public land in the Study Area is strictly controlled by BLM in accordance with EPA specifications as to the substance, its use, and application. Farmers who desire pest or weed control on public land adjacent to their private land submit a proposal to BLM for approval. If approved, application of substances are administered by the Fish and Wildlife Service, APH's or the County Weed Control Supervisor, depending on the type of control.

(c) Comment: "The proposed action would prohibit new large scale farm development on 325,000 acres of farmable public lands" (p. 3-1). In a subsequent chapter on Mitigation Measures this statement appears, "The BLM has recently completed a draft environmental statement for agricultural development in SW Idaho which delineates over 100,000 acres of land outside the proposed Conservation Area as suitable for farm development" (p. 4-1). Not only are the two figures far apart, but it should also be shown how they compare in soil quality, water availability, and distance from market, with those in the proposed Conservation Area."

(c) Response: The statment in Chapter 4 brings out the fact that while there is no direct mitigation for the foregone opportunity to farm the 325,000 acres within the proposed area, other lands do exist outside the area that have been identified as having potential for farming.

(d) Comment: "At a number of places in the draft environmental statement there are brief references to plans for water resource development along the Snake River within the proposed BPNCA (pages 1-13, 1-15, 2-3, 2-48, and 6-2). However, nowhere in the draft where summarizing impacts of the action are discussed (incl. Table 8-1) is there a statement of the anticipated impact of foregoing water and power development along the 80 mile sector of the river to meet regional energy and off-stream water needs."

(d) Response: At the time the draft ES was published, the Swan Falls-Guffey project proposed by Idaho Power Company was still viable. Idaho Power Company has since postponed indefinitely such development as the result of their environmental impact study of the project. Thus, there is no need to further discuss the impacts of Idaho Power Company's proposal.

(e) Comment: "I question the propriety of pitting one special interest group against another in order to curry local support. For example: if BPNCA is not acted upon favorably then increased land withdrawal for farming will displace ranchers presently grazing the area. Again, alerting present users of electrical power (including present irrigators of agricultural lands) that if new power generating stations have to be constructed in order to serve new irrigated farms, existing users will be expected to foot a significant part of the costs."



(e) Response: The environmental statement identifies the existing situation, and the impacts of the proposal and alternatives. The large scale farming of the area would result in the loss of native range available for grazing. Such land alterations have already occurred in much of Southwest Idaho on previous DLE and Carey Act farm developments. Idaho Power Company conducted studies on rate structures and costs to present customers during their analysis of building a coal fired generating plant, and in their studies connected with the Agricultural Development ES. The construction of new power generating plants to serve new irrigated farms would increase the power bills of all Idaho Power Company customers.

(f) Comment: "While I recognize the desirability of limiting traffic routes (p. 3-6) and increasing enforcement of off-road vehicles (p. 4-2) to protect sensitive areas, I find the "no adverse effects" rating given the National Guard for extensive tank maneuvers on 122,600 acres a little difficult to comprehend."

(f) Response: The National Guard activities were assessed as to their impact on the birds of prey ecosystem. As stated in the ES, these activities have had no adverse effects on the neting birds of prey or the prey that inhabits the maneuver area.

Letter 34

(a) Comment: "BLM is proposing to approve the conversion of over 100,000 acres bordering the Conservation Area to irrigated farmland, under the Desert Entry and Carey Acts. This conversion would have serious impacts on the Snake River, including runoff, irrigation withdrawals, and increased demand for electricity leading to construction of new dams. These impacts may interfere with the objectives of the Conservation Area, especially for species such as the Bald Eagle, Osprey, and River Otter which are dependent on riparian and aquatic habitats. Terrestrial habitat may also be affected by irrigation pumping stations and pipes."

(a) Response: These impacts are addressed in the Environmental Statement on Agricultural Development. When the impacts of establishing the proposed Conservation Area were assessed, these upstream impacts were taken into consideration. These upstream impacts were also considered in the discussions of impacts on water resources in Chapter 8, No Action. The discussions represent cumulative impacts, and assume that the development addressed in the Agricultural Development ES has occurred.

(b) Comment: "The proposed hydroelectric projects of the Idaho Power Company, mentioned on pages 1-15 and 1-16 of the draft EIS, would inundate extensive reaches of the Snake River, potentially affecting raptor habitat."

(b) Response: Refer to Comment 9(a).

(c) Comment: "Mineral leasing will continue and future mining activity would be permitted with administrative controls. Whether



mineral development could take place without endangering the conservation objectives of the area is open to question. It is not known whether administrative control will always be adequate to ensure adequate protection for raptor populations and habitat."

(c) Response: As stated in Chapter 1 of the ES, all leases, permits, and agreements would contain stipulations to protect and maintain the ecosystem. No single use would be permitted in the proposed Conservation Area that would jeopardize the population of birds of prey.

(d) Comment: "The U.S. Fish and Wildlife Service has been updating its Animal Damage Control Program for mammals and will soon update the avian program. Grazing is an important use in the proposed Conservation Area. A conflict is perceived by some ranchers between raptors and grazing operations. Will creation of the Conservation Area ensure that the Animal Damage Control Program will not propose destruction of raptors to satisfy the wishes of ranchers?"

(d) Response: The management objectives for the proposed Conservation Area are protection and maintenance of the birds of prey population. These objectives would preclude destruction of raptors under the Animal Damage Control Program. To date, no conflicts requiring the control of avian predators have occurred in the area.

Letter 35

Comment: "Northwest's main concern is with the BLM's proposed Airspace Closure Regulation, limiting flights over the Conservation Area during nesting periods. In compliance with Title 49, CFR, Part 192, Transportation of Natural and other Gas by Pipeline, a weekly surveillance is made of the entire pipeline route, from near Mountain Home to the Nevada border. Due to the inaccessibility of the pipeline, the inspection is made by aircraft at an altitude of approximately 500 feet and lower."

Response: The airspace closure as published in the Federal Register is currently in effect in the area where Northwest's pipeline crosses the river near Loveridge Bridge (T. 6 S., R. 6 E., Sect. 4 see Appendix B). The closure is designed to keep aircraft from harassing the birds of prey during the nesting season. However, BLM recognizes that low level flights are necessary. In cases where low level flights are required such as for search and rescue, official flights by State and Federal agencies, flights associated with surveillance of pipelines and transmission lines, BLM is usually contacted and notified of these flights. To date, no conflicts with necessary flights have arisen from the airspace closure, and none are expected with future flights within the proposed Conservation Area.

Letter 36

Comment: "Page 1-14. Even though the Idaho National Guard conducts training exercises within the proposed area, a specific management plan for their actions should be thoroughly developed. This plan should



include any proposed changes in the status of the National Guard Military Reservation. A detailed agreement should be obtained whereby those lands that are included in the Reservation would revert to "Conservation Area" status under BLM management in the event that the Department of Defense relinquishes their present use."

Response: Present use of the public lands in the maneuver area by the Idaho National Guard is by Cooperative Agreement, which identifies the activities occurring in the use area. This use area is currently under BLM jurisdiction, and would be included in the Conservation Area, a "revision" would not occur.

Letter 37

Comment: "Will the federal government tell the private land owner what crops he can plant; what animals he can raise; how he is to manage his own land simply because it has been included in a block of land set aside for the protection of a few hundred birds who inhabit the area for only a few months of the year? They don't know."

Response: The responsibility and management of private lands remains with the landowner; federal jurisdiction in the area applies only to public land. The private landowner would not be restricted in any way in the uses and activities on his or her private lands. BLM would continue to aid activities and development on private land as in the past through rights-of-way, land use permits, allowances for aerial spraying operations in connection with private farm development, etc. If mineral leases are granted on lands with private surface ownership, the lessee is required to obtain permission of the landowner prior to any activities. These activities by BLM would continue if the area is designated as a Conservation Area.

Letter 38

(a) Comment: "We are particularly disturbed by the casual consideration given to subsurface resources - minerals and energy fuels - in the development of this proposal. According to the ES, the information in the text on these resources was based largely on a USGS Mineral Report which was prepared in just a few weeks and a BLM mineral report which was still under preparation when the ES was written.

(a) Response: The discussion on minerals in Chapter 2 has been expanded to address subsurface resources in more detail.

(b) Comment: "Why is the conversion of a limited additional acreage to farm land expected to have all sorts of negative impacts on birds of prey even though the 150,000+ acres currently being farmed have not had such effects? and

Why does the highest density of birds of prey nests coincide so closely with man-made installations (Swan Falls and C.J. Strike dams and reservoirs)?"

(b) Response: Unfortunately, no research studies were done on this



raptor population prior to the lands being farmed, or during farming prior to 1971. Therefore there is no data to show that farming has not been detrimental to this population of birds of prey.

Figure 2-1 in Chapter 2 shows the nesting density in reference to landmarks in the area. This density is directly proportional to the cliff heights found in the area. This has been clarified in the ES in Chapter 2, Wildlife.

#### Letter 39

Comment: "The statement furnishes no basis whatsoever for anyone to determine what criteria were used in determining which lands should be included in the proposed study area. I can find no data to indicate for any particular area within the proposed boundaries the numbers of birds present, either nesting or foraging, the frequency of their foraging trips into any particular area, the number and types of squirrels or other sources of food in any particular area or the times of the year that the raptors forage in any particular area."

Response: The ES summarizes data collected during four years of intensive research conducted on the Study Area. This research focused on where the birds of prey nested, where they hunted, what they ate, and where their prey was located. The criteria for the boundary was based on the foraging areas for the birds of prey during the critical portion of their life cycle: reproduction and rearing of young. Chapter 2 Wildlife, and Chapter 8, No Action, Impact on Wildlife, of the Environmental Statement address these criteria, the numbers of nesting birds, their location along the canyon, where and how far they range to hunt their prey, what types of prey they eat, what types of habitat their prey use, and the densities and locations of Townsend ground squirrel populations. As mentioned before, this information has been summarized from the Birds of Prey Research Report (1979). If more detailed, technical information is desired, the research report should be consulted. Copies are available from the Boise District BLM Office.

#### Letter 40

Comment: "There is no evidence submitted in the EIS that the land now farmed in the area has been detrimental to the Birds of Prey. On the contrary, the bird population has increased while this increase in farming has occurred. Much is said of the dangers of bad, or dry years, but on 2-18, they say that in the dry year of 1977 only the few squirrels who had access to green feed on irrigated alfalfa fields survived and reproduced. This is evidence that a limited increase in farming, such as is now being sought under the Carey and Desert Entry Acts, would actually be beneficial to the Birds of Prey."

Response: Unfortunately, there is no scientific evidence to show past farming has increased or decreased the birds of prey population in the Study Area prior to 1971. Information concerning range - agricultural ecotones is found in Chapter 2, Vegetation. See responses 20(c) and 31(a).



(a) Comment: "The EIS indicates that the cost of developing these lands are prohibitive and would require massive subsidies of existing power consumers. Additionally, discussions of farm commodity surpluses imply that new lands are not necessary or viable under present economic conditions. While this may be true under existing conditions, it should be pointed out that many new schemes of providing water to arable lands included in the designation are now being considered, many of which are less expensive and much more viable than present consideration.

Additionally, as I am sure you are well aware, farm surpluses are short term trends and often reverse in one or two years. Planning and development of agricultural lands to meet new requirements for food and fiber take many years, often several tens of years, before the first crop is taken from the land."

(a) Response: In the past few months, several proposals for providing water to arable lands by gravity flow irrigation or low-lift pumping have been studied by the State Department of Water Resources. One such proposal considered was the Bruneau Plateau Project. At a meeting of the State Water Resources Board, on November 18, 1979, the Department of Water Resources stated that the results of a \$100,000 feasibility study indicated the project would not be financially workable. An additional feasibility study was recommended for next year, if funds become available.

At this meeting, Idaho Power Company stated that the project could cost Idaho Power customers an extra \$20 million a year because of the annual loss of up to 570,000 megawatt hours of hydroelectric power generation. The project would force Idaho Power to buy expensive coal-fired power from out of state to make up for the hydropower losses. Idaho Power Company also stated at the meeting that it would vigorously oppose any additional diversion or withdrawal of water for irrigation from the Snake River system. It would also oppose all off-stream and upper Snake River water storage for irrigation purposes, due to the detrimental effect such storage would have on annual hydroelectric power generation capabilities.

In 1977 a coalition of concerned Idaho citizens petitioned the Public Utilities Commission claiming that Idaho Power Company was not protecting its water right below Milner Dam (east of the proposed Conservation Area) for hydropower since it had allowed continual diversion of water for irrigated agriculture. Idaho Power countered the charge by filing suit against these citizens to get a court ruling in the matter. At that time Idaho Power placed a moratorium on hookups of electric facilities for diversion of Snake River water for irrigation purposes. This moratorium is still in effect, and is expected to continue until a court ruling is received.

Given the present situation, it appears that this dilemma of water for irrigation or water for hydropower would have to be resolved before any proposals for additional irrigated agriculture are deemed viable.



This information has been added to Chapter 8, No Action, Impacts on Socio-Economics.

(b) Comment: "For example, the draft EIS indicates that farming would be detrimental to the raptors within the boundaries of the Birds of Prey Natural Area. While so-called clean farming may be detrimental, one can commonly observe large concentrations of raptors in other areas of the northwest where irrigated agriculture has developed in a checkerboard pattern with some of the public lands being left in natural condition. The Burns area in Oregon is one example of such development. In this area, agricultural development and environmental protection go hand in hand. I find no consideration of such an alternative in the draft EIS."

(b) Response: As stated in the ES many raptors incorporate agricultural areas in their hunting forays. Chapter 2 discusses why species diversity and nesting populations are unusually high in the proposed conservation area. Based on research data defining biological needs of these birds of prey, other alternatives would not afford protection and maintenance of this population and the species diversity found in the proposed conservation area. See Response 19(b).

Letter 42

(a) Comment: "The peregrine falcon and bald eagle are the only ones listed as threatened or endangered and by BLM's own admission, there are no peregrine falcons or bald eagles nesting in the Area, nor is the Area in any way significant to the continued existence of these two species. All references in the EIS that infer that the proposed Conservation Area is significant to these two species should be taken out.

(a) Response: Although bald eagles do not nest in the proposed Conservation Area, they utilize it during their winter migrations. The Endangered Species Act charges Federal agencies with the responsibility to conserve not only the species itself, but also its habitat. The peregrine falcon does not presently nest in the proposed Conservation Area, but these birds traditionally nested there. They have been recorded in the canyon off and on since 1948 and a lone female wild peregrine lived in the canyon during nesting season between 1972 and 1975. Wild peregrines have been seen migrating through the area.

Formal consultations with the U.S. Fish and Wildlife Service resulted in a biological opinion indicating that the proposed Conservation Area will likely promote the conservation of these two endangered species. This is clarified in Chapter 1, Interrelationships with State, Local, and other Federal Agencies, Private Groups and Universities of the ES.

(b) Comment: "Pg 1-16 The Peregrine Fund, Inc. - This paragraph should be revised and updated to indicate that the transplant program has failed, that there are no peregrine falcons nesting in or inhabiting the Area, and that the Area cannot be considered significant to the existence of the species."



(b) Response: The peregrine reintroduction program is a cross-fostering program designed to reintroduce captively bred peregrine falcons into the wild. The young peregrines are placed in prairie falcon nests and are reared by the falcons until they fledge. The Birds of Prey Area was chosen for such releases because 1) up until 1975, a wild female peregrine occupied and defended a nest site in the canyon; 2) peregrine falcons historically nested there; 3) prairie falcon nests were abundant and accessible; 4) and there were research personnel available who could provide surveillance and complete studies on the young birds.

The cross-fostering program to date has been successful in the Birds of Prey Area. The Peregrine Fund plans to release many such cross-fostered young birds into the wild in the next several years in the hopes that natural populations will recur. Many years of reintroduction will be necessary to determine if the program is a success or a failure.

The U.S. Fish and Wildlife Service has stated (Chapter 1) that "the proposed Conservation Area will likely promote the conservation of the two endangered species" -- the peregrine falcon and the bald eagle. The discussion in Chapter 2, Sensitive, Threatened or Endangered Wildlife, has been expanded.

(c) Comment: "The Origin Of A Rich Wildlife Habitat - In this section a phenomenon that is alluded to, but not explored, is the fact that the concentrations of nesting raptors is much greater on the east and west ends of the study area and very light in the middle. Is it only coincidental that the ends of the study area are adjacent to irrigated agricultural lands and the middle is where the great expanse of unbroken desert ground lies?"

(c) Response: The section has been rewritten to avoid further misinterpretation by readers of the ES.

(d) Comment: "Pg 2-35 - Recreation - It should be pointed out in this section that the vast majority of the recreational use of the area is related either to the Bruneau Sand Dunes or to irrigation and energy development projects; i.e. C.J. Strike and Swan Falls."

(d) Response: This information is shown in Chapter 2, Recreation.

(e) Comment: "It should be assumed that the agricultural development will take place over an approximate 30-year period. This is in accordance with the Idaho State Water Plan."

(e) Response: The Idaho State Water Plan calls for the development of 850,000 acres of farmland by the year 2020. This amounts to approximately 21,000 acres per year. This information has been noted in the ES in Chapter 8, No Action -Description of the Alternative.



Letter 43

Comment: "Continued research in the Birds of Prey Study Area has revealed the existence of other rare species in this ecosystem. The following rare plants are known to occur within the boundaries of the Study Area:

Lepidium davisii  
Penstemon perpulcher  
Eriogonum shockleyi  
Astragalus purshii var. ophiogenes  
Mentzelia torreyi var. acerosa

Several additional rare plants, which are vulnerable to extinction from development of desert land in the Snake River plains of Southwestern Idaho may also benefit from the expansion of the Birds of Prey Natural Area:

Astragalus camptopus  
Astragalus mulfordiae  
Eriogonum ochrocephalum var. sceptrum"

Response: The information has been added to Chapter 2, Vegetation.

Letter 44

Comment: "More important from the viewpoint of the Idaho Chapter Soil Conservation Society, is the uniqueness of the area for the birds of prey but also for agriculture. This area contains the last remaining potential Class I irrigated lands in Idaho. We are speaking of the National Soil Survey Classification and not Bureau of Reclamation. These lands are deep well drained, have few management problems and 140 or more frost-free days.

In the Ada-Elmore County area included north of the Snake River we estimate there are approximately 125,000 to 150,000 of this Class I and II land. The Class II having the same climatic factors but less depth. We do not believe there are other similar available lands with this length growing season left on the Snake River Plains."

Response: The Soil Conservation Service has estimated that approximately 140,000 acres of Class I lands are contained in the proposed Conservation Area north of the Snake River. However, these are not the last remaining potential Class I irrigated lands in Idaho. The Environmental Impact Statement on Agricultural Development identified over 100,000 acres of land outside of the proposed Conservation Area in southwestern Idaho as having potential for irrigated farming based on the presence of Class I and II soils. The information has been incorporated into the ES in Chapter 2, Agriculture.

Letter 45

(a) Comment: "The Birds of Prey Draft Environmental Impact Statement (DES) reaches a deliberately predetermined result and therefore is not an unbiased analysis of the area."

(a) Response: The uniqueness of the concentrations of raptor



species in this area has been recognized since the 1940's. BLM recognized the unique quality of this nesting density in 1971 when it issued a withdrawal for the present Natural Area. The idea that the birds of prey should be protected has been a part of BLM's multiple-use management objectives on the area since 1971. The Birds of Prey Draft Environmental Statement (DES) was based on nine years of comprehensive scientific research on the raptors and their prey. The research established that a unique raptor area, which was a complete and functioning ecosystem, existed in this portion of southwestern Idaho. The research and radio-tracking of birds also revealed how much land these birds of prey needed for hunting habitat in order to maintain their reproductive life cycles and hence, their population numbers. Research studies defined the lands needed for this protection and the effects of large scale agricultural development on the raptors. From this, a boundary proposal for permanent protection was drafted. The ES addresses this potential decision and analyzes the impacts of such a proposal and alternatives.

(b) Comment: "The DES makes no effort to consider any methods by which potential future agriculture development in the area can be accommodated in the Birds of Prey Area. The entire tenor of the underlined comments from the attached government documents is to forever preclude agriculture from the area."

(b) Response: One of the objectives of the Birds of Prey Research Project was to assess the effects of irrigated agriculture on the birds of prey. Since large-scale irrigation projects were the type which were being implemented and farmers themselves stated that large-scale projects were the only way the area could be economically farmed, researchers investigated only the effects of large-scale irrigation projects. Research investigations found greatly reduced prey populations inhabiting newly farmed lands, when compared to native range. Established farms, depending on the crop, supported greater populations than newly farmed lands, but these populations (especially rodents) were often controlled by the private land owner through poisoning.

BLM did not conduct research investigations on, nor did the DES assess, the feasibility of small-scale farm management units that could accommodate the raptors. Since Chapter 8 deals with viable "no action" alternatives, and small farming units were not occurring under the Carey Act and Desert Land Act developments, such development was deemed economically unrealistic. It is highly questionable, given the current economic state of farmers across the nation, whether farming these lands would be in the national interest. If the economic conditions and need for food production in the future dictates that the highest and best use of these lands is for farming, the Federal Land Policy and Management Act in Section 302 (b) contains a provision whereby the Secretary may lease lands for cultivation.

(c) Comment: "The Birds of Prey DES was rushed through the BLM in an apparent attempt to avoid any serious or dissenting internal comment on the statement."



(c) Response: The memorandum referred to in this comment dealt with a contractual requirement recommending an approach as to the format of the Summary Report to the Secretary, not the DES. The Summary Report was prepared by a contractor who was expressing concern about the BLM officer who would judge the product relative to contractual commitments.

(d) Comment: "The Federal government did not tell the State the full story on the Birds of Prey."

(d) Response: The Bureau attempted to keep State of Idaho agencies informed throughout the entire ES process by the following actions:

a) Sikes Act Agreements were signed by the Director of the Fish and Game Department and revised following the expansion of the study area. This is discussed in Chapter 2, Interrelationships with State, Local and other Federal Agencies, Private Groups and Universities.

b) Once the boundary of the ecosystem was determined and a proposed boundary for the Proposed Conservation Area was drawn, the following actions occurred:

(1) Continued discussions were held to formulate a 25-year Memorandum of Understanding which would ensure the continued use by the Idaho Military Division. This Agreement was finalized on June 25, 1979.

(2) Meetings were initiated on April 17 with the Idaho Department of Lands looking toward possible exchange of lands. These meetings continued regularly until a fairly firm workable proposal was almost ready to present for review by the Land Board. These meetings were discontinued at the direction of the Land Board on August 21, 1979.

(3) On April 25, 1979, June 12, 1979, and July 23, 1979, Governor Evans and his staff were briefed by BLM.

(4) May 15, 1979, a briefing was held with the Governor's staff plus affected Department heads or their representatives. This involved Director, Department of Water Resources (Steve Allred); Director, Idaho Department of Parks (Dale Christenson); Idaho Department Fish and Game (Robert Salter); Idaho Department of Lands (Jack Gillette). The draft of proposed legislation and boundary proposal was presented by BLM.

(5) Ten copies of the DES were sent to the State Clearing House for distribution to State agencies for review and comment on July 5, 1979, in accordance with the Memorandum of Understanding.

(6) Individual members of the State Land Board were briefed as follows:

July 16 - 10:00 a.m., Joe Williams, State Auditor



July 16 - 1:30 p.m., Jerry Evans, Superintendent of Schools  
July 19 - 1:30 p.m., Pete Cenarrusa, Secretary of State  
July 20 - 1:30 p.m., David Leroy, Attorney General  
July 23 - 11:00 a.m., Governor John Evans

(7) Lt. Governor Phil Batt and most of the Land Board members toured the area in a State chartered bus on August 20, 1979. Even though BLM advised them that the birds had generally left the area, two BLM employees accompanied the tour. The BLM research leader and the management biologist served as panelists to answer questions in Mountain Home that day.

In summary, BLM was in contact with the State of Idaho agencies, in accordance with the Memorandum of Understanding between the State Director BLM and the Governor. The DES has been updated in Chapter 1 to reflect these interrelationships with Idaho State Government.

(e) Comment: "The Birds of Prey Study ignores the very real potential for oil and gas discoveries in that area."

(e) Response: Since the draft legislation envisions continuation of the Secretary's authority for mineral leasing, the mineral development opportunities continue to exist. Chapter 2, Minerals, has been expanded to present a more positive view of this potential.

(f) Comment: "The Birds of Prey draft study inadequately discusses the potential for geothermal resource development in that area."

(f) Response: Seventeen geothermal leases have been issued. The proposed legislation protects these valid existing rights and also provides for continuation of the Secretary's authority to issue geothermal leases.

(g) Comment: "The Birds of Prey Study inadequately discusses the potential for mineral development in that area."

(g) Response: The proposed legislation makes provisions for mineral development through leasing. The DES discusses minerals presently being mined.

(h) Comment: "The DES appears to be an effort to inappropriately deny to the State of Idaho potential Carey Act and Desert Land Entries in that area."

(h) Response: The DES identifies the birds of prey resource found within the study area. It is appropriate for this DES to discuss how other activities affect this resource both beneficially and adversely. The DES fairly identifies that extensive irrigated agricultural development would have greater adverse impacts than beneficial impacts on these raptors. The ES is but one element of the decision-making process. The ES is an analytical process that is intended to enhance decision-making.

(i) Comment: "In the Department of Interior's documents, the Boise



Agricultural District Environmental Impact Statement is conceived of and used as an instrument of public counterreaction to build up support among the farming community for the Birds of Prey Environmental Impact Statement. This abuse of the Environmental Impact Statement process is harmful to the public in that it brings into question the integrity of this tool for making objective decisions about protecting the environment."

(i) Response: The Bureau viewed the agricultural development issue as an important issue. This issue was determined to be of sufficient stature to warrant the preparation of an ES in early 1978. The need for the Birds of Prey ES arose as a consequence to the Bureau's decision to propose an amendment to FLPMA creating the Birds of Prey National Conservation Area. This ES will provide to Congress the environmental analysis of the proposed legislation. The preparation of the two ES's is in response to the issues facing the Boise BLM District.



## LETTERS OF COMMENT









DANIEL A. POOLE  
President  
L.R. JAHN  
Vice-President  
L.L. WILLIAMSON  
Secretary  
JACK S. PARKER  
Board Chairman

# Wildlife Management Institute

709 Wire Building, 1000 Vermont Ave., N.W., Washington, D.C. 20005 • 202 / 347-1774

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1910 Maritow  
Boise, Idaho 83706  
July 30, 1979

July 20, 1979

District Manager  
Bureau of Land Management  
230 Collins Road  
Boise, Idaho 83702

Dear Sir:

We have completed an intensive review of BLM's draft environmental impact statement on the proposed Snake River Birds of Prey National Recreation Area. It appears complete and well-documented in our view.

We do suggest, however, that a review of the various paragraphs throughout the statement on "wilderness" and the proposed area's "management plan" is in order. There appears to be inconsistent, or at least misleading, references on how the two would interact.

For example, page 3-5 states clearly that vegetative manipulation will be necessary on the area to maintain suitable habitat for prey species. We assume that such manipulation could require practices, such as chaining or prescribed burning, that may not be compatible with wilderness designations under the 1964 Act. However, page 3-7 states that creation of the proposed Conservation Area would have no adverse impact on wilderness resources.

We believe this potential conflict should be aired in the EIS so there will be less public misunderstanding should it become necessary for BLM or other agencies and groups to recommend against wilderness designations in all or parts of the Conservation Area so that the birds' food supply may be preserved or enhanced.

Best regards,

Sincerely,

*Daniel A. Poole*

Daniel A. Poole  
President

CC: John Crawford

DAP:dt

DEDICATED TO WILDLIFE SINCE 1911

District Manager  
Bureau of Land Management  
230 Collins Rd.  
Boise, ID 83702

Dear Sir,

I've visited the Snake River Birds of Prey Area only once, but have heard about it often and have seen a few on-site TV programs filmed there. It is one bright spot in an otherwise pretty dismal picture of birds that hunt for a living.

Our interest in this special area stems from a growing experience in wild bird rehabilitation, especially raptors, conducted in conjunction with the Audubon Society of Corvallis. We've seen too many raptors (and heard of many more) that have been shot by stupid idiots. In fact our only band return so far was of a Red-tailed Hawk shot near Longview, WA., early this year seventeen months after release.

Furthermore, we've seen a lot of press recently about the continued use of pesticides in Oregon and other places and talked to Chuck Henry about this on several occasions. If you allow farming on any part of the area you would certainly prohibit use of all pesticides, wouldn't you?

So it is patently obvious to us that the birds of prey need all the help they can get and the bigger their area, the better! Along with this, I surely hope you have some diligent and vigorous enforcement for the protection of these birds.

Maybe some of the offspring from the Snake Conservation Area will find their way to our state and be fortunate enough to survive the gun slob and the Heptachlor or Malathion long enough to reproduce. I want to know that the Snake River Birds of Prey Conservation Area is there and want you to expand it by every possible acre.

We also feel that BLM is to be complimented for its growing concern and attempts at conservation of wildlife, especially non-game species, in recent years!

An old hunter,

*Merlin S. Eltzroth*  
Merlin S. Eltzroth

*Me too, Elsie K. Eltzroth*

Mr. Dean Bittles  
District Manager  
Boise District of BLM  
230 Collins Road  
Boise, Idaho 83702

Dear Mr. Bittles,

It is with great pleasure that we support the proposal to establish a Snake River Birds of Prey National Conservation Area. When we testified in favor of the existing natural area in 1971, we realized it protected a portion of the nesting area and very little of the prey base. When the birds' habitat was threatened by the Swan Falls-Guffey dam project and encroaching agricultural developments, we hoped that the small natural area would at least help preserve some of the habitat and bring recognition to the area, which is truly unique for its raptor nesting density.

The Boise District BLM must be congratulated for its foresight and environmental concern. The moratorium on processing DLE and Carey Act applications was necessary during the research period. This extensive research and careful ecosystem analysis will provide an excellent data base for decisions. This area is truly of national importance, and decisions must be carefully considered.

We support the establishment of a conservation area including 81 miles of river canyon and 515,257 acres of BLM land. The draft EIS documents the need for this much land. It recognizes the necessity of maintaining a complete ecosystem to support this population density of raptors which are at the top of the food chain. This large area is necessary for ecosystem stability, partly to off-set drought years, such as 1977, when prey populations of Townsend ground squirrels were down.

Within this proposed area the 43,600 acres of state land should be acquired by trade. Especially critical is the large block of state land proposed to be eliminated from the conservation area in Alternative B. This block of state land has an especially high density of Townsend ground squirrels, which forms the prey base for the prairie falcons, golden eagles, and ferruginous hawks which nest in the Crater Kings. Since the state lands are required by law to be managed for maximum profits (the Idaho Greed Imperative) it is important to acquire these lands soon. Perhaps the Nature Conservancy would be interested in purchasing these lands.

Since existing uses for grazing 65,000 AUM's and the Idaho National Guard training activities will remain, we feel the potential for agricultural development is not a significant loss, especially since the publication of the draft agricultural EIS for the Boise District. In fact agricultural development of the 325,000 potentially irrigatable acres would critically alter the prey base and sharply reduce the number of nesting birds. For example, we have seen Initial Butte Farms in early spring as

barren land, devoid of any prey species. This exposed soil also contributes to the blinding dust storms which occur in the canyon.

The 164,000 acres of Bureau of Reclamation withdrawal ought to be rescinded. The withdrawal was made in another era, when the Swan Falls-Guffey project was considered a viable irrigation and power development. Now the costs-benefits ratio on this project is so inequitable, even Idaho Power has set it aside. The intended agricultural development is not economically feasible and would have tremendous adverse impacts on the raptor populations.

The National Guard activities should continue for the economic benefits it brings to the Treasure Valley. (These benefits should probably be included in the EIS). However, we do support redefining the activity area to exclude 15,000 acres of white sage stands. Tank maneuvers are very destructive to white sage, which is an important winter forage to cattle and a rich Townsend ground squirrel habitat.

We are concerned about the increased visitor use in the area. We've noticed vandalism of pictographs. Litter near Halverson Lakes is appalling. (perhaps garbage cans could be provided.) Illegal shooting abounds. One hark while hiking in the natural area we observed someone shooting round after round aimlessly into the water from a rock along the Snake River. The noise was impressive. Most of the proposed area is a favorite place for "plinkers". Aimless shooting is a popular Sunday afternoon recreation for the machismo who feel pot shots at tin cans or eagles is part of the fun and probably their God-given right.

OHV use is also extensive and very destructive. Unlike the National Guard activities, this use is all year long and the desert has little chance to recover.

While an education program to reduce such visitor abuse is laudatory, vigorous law enforcement is necessary to control these activities. It is sad that the dedication plac has to be kept at the Boise District Office instead of at the Dedication Site, but presently at the site it would soon be vandalized.

Someday we'd like to see an interpretative center within the conservation area. This would provide increased environmental awareness for those actually using the area (as contrasted with a general public education program). Then complaints of visitor abuse could be readily reported and investigated quickly, providing a greater chance for effective law enforcement.

The number of remaining Oregon trail ruts within the proposed conservation area is impressive. Since the Oregon trail has been designated as part of the National trail system, it would be appropriate if the route through the conservation area was marked with cairns to facilitate foot or horse travel. Trailhead parking lots could be established (complete with garbage cans to reduce litter.).

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The draft EIS is remarkably vague about badger management, especially since the badger competes directly with prairie falcons for Townsend ground squirrels. We hope the conservation area will be large enough to accommodate both raptors and badgers. Some sort of badger abatement program should not even be considered.

Establishing this proposed conservation area is one of the finest things our country can do to preserve its wildlife heritage!

Thank you for the opportunity to comment on this draft EIS. Please include our comments as part of the official hearing record.

Sincerely,

Frederick E. Ward

*Frederick E. Ward*

Janet D. Ward

*Janet D. Ward*



STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL  
BOISE 83720

DAVID H. LEROY  
ATTORNEY GENERAL

TELEPHONE  
(208) 384-2400

#### POSITION STATEMENT

of:

DAVID H. LEROY, Attorney General, PETE T. CENARRUSA, Secretary of State, JERRY EVANS, Superintendent of Public Instruction, JOE R. WILLIAMS, Auditor and PHIL BATT, Lt. Governor of Idaho

#### ENVIRONMENTAL IMPACT STATEMENT

August 2, 1979

As elected officials and/or members of the State Land Board of Idaho, we wish to offer the following comments on three aspects of the Birds of Prey Proposal: the time allowed for comment, the history of federal government land exchanges in Idaho, and the lack of exploration of intermediate alternatives. Before taking any final position on the ultimate merits of expanding the Birds of Prey Area, it will be necessary for us to convene a meeting of the State Land Board and to individually and collectively meet with experts and constituent groups to receive their input. Accordingly, these observations are designed to be preliminary only for the purpose of raising and establishing in the testimonial record our serious concerns about the procedures

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STATE OF IDAHO  
OFFICE OF THE ATTORNEY GENERAL  
BOISE 83720

August 2, 1979

DAVID H. LEROY  
ATTORNEY GENERAL

TELEPHONE  
(208) 384-2400

Dean Bibles  
District Manager  
Bureau of Land Management  
230 Collins Road  
Boise, ID 83702

Dear Dean:

I am enclosing a position statement on behalf of myself and the other officials of the State of Idaho listed therein. The statement is a comment upon the draft environmental impact statement regarding the proposed expansion of the Birds of Prey Conservation Area in the State of Idaho.

Please add these written comments to the public record on the proposal.

Sincerely,

*David H. Leroy*  
DAVID H. LEROY  
Attorney General

DHL/dm

Encl.

Page #2

followed in the study and hearing process and the procedures to be followed in any prospective land trade with the state.

#### PRELIMINARY FACTS

1. The Birds of Prey Conservation Area, as proposed, will ultimately involve trading federal lands outside the area for state lands within the area so that the federal government may possess a homogenous federal land mass of over 800,000 acres as a sanctuary for approximately 650 pairs of birds.
2. The federal government currently owns approximately 64% of the land area inside the boundaries of the State of Idaho.
3. Approximately 43,600 acres of state owned land are located within the proposed expansion area including 1,500 acres which have been previously received in trade by the state for other lands taken by the federal government.
4. At the present time approximately 216 applications for Desert Entry Land and Carey Act land conversion have been filed by citizens of the State of Idaho requesting intensive farm development opportunities within the affected areas.
5. Almost all of the land within the proposed expansion lies within the landing approach and training flight



area where low level flights out of and into Mountain Home Air Force Base are required.

#### TIME ALLOWED FOR COMMENT

Our first procedural concern is that the amount of time allowed for the State of Idaho, or anyone else, to carefully evaluate this proposal and return comments is severely limited. The draft environmental impact statement, the research report and a polished and expensively produced promotional brochure were not received until approximately July 19, 1979 for a Boise hearing. Reservations to submit oral testimony were required no later than July 27, 1979. The only Idaho hearing on the proposal was set for August 2, 1979 and no comments will be received after August 14, 1979. A time frame of little more than three weeks to analyze and comment upon a proposal that took in excess of four years to develop, compile and present is obviously wholly inadequate. The topic under consideration has potential for a massive impact on many affected parties. Neither an August 9, 1979 hearing in Washington, D. C., nor an abbreviated time limit for filing written comments, nor a "hurry-up" hearing in Boise will allow for the necessary practical local deliberation and comment.

#### FEDERAL LAND TRADE HISTORY

Despite an adequate working relationship with local Bureau of Land Management representatives, the State of Idaho's past experience with land transactions involving the federal government has been far less than satisfactory. In cases involving lieu lands, Carey Act lands, and Heyburn State Park, to name but a few, the State has been confronted by illegal inaction and protracted and frivolous legal appeals on the part of our national government, despite very clear federal statutes requiring immediate transfer upon application by the state. It became necessary for Idaho to join with the State of Utah, after several years of administrative delay and double-talk, to sue the Secretary of the Interior in 1977 to require the transfer of title on 24,000 of 27,000 acres already promised and owed to the State of Idaho. Despite resounding victories at the District Court and Circuit Court of Appeals level and despite requests and petitions not to delay the matter further, we now find ourselves, because of federal insistence on further appeals, required to plead our case for the transfer of lands again before the Supreme Court of the United States. In the meantime, by this delay, the State of Idaho has potentially

lost up to \$700,000.00 in income from those lands which should have operated to the benefit of its public schools and pupils. To prevent further losses and also to seek those damages, the State Land Board unanimously voted to authorize the Office of the Attorney General on June 25, 1979 to file an action in the federal District Court of Idaho against the Secretary of the Interior and the federal government to prevent waste and protect the proceeds from those already promised lands during the future delays occasioned by this unnecessary federal appeal.

The reputation of the federal government in Carey Act lands has been equally unattractive. Under a statute that clearly authorizes the development of land for agricultural purposes and at a time when experts decry the fact that the total acreage of America's cropland is shrinking to the point of potential world food crises, at least 1,800 applications on 266,000 acres for Carey Act land entry have been pending before the Bureau of Land Management in Idaho without action for up to nine years. To defend the State's entitlement to those lands it became necessary February 21, 1975 for Idaho to sue in the Federal District Court. In a well reasoned and forceful opinion the District Court ruled that the language of the federal statute clearly favored the state's position on every point. Despite that ruling, the

federal government appealed to the Ninth Circuit Court of Appeals, which when confronted with the same arguments affirmed in a 26 word opinion. Despite the clarity of the original ruling, and the utter rejection of the federal position by the Circuit Court, the State of Idaho recently learned that the federal government is in the process of preparing a petition for certiorari seeking yet another appeal on another Idaho land issue to the United States Supreme Court.

Nor has the federal government been content once title transfers to the State of Idaho to permit proper use and enjoyment of the land by state citizens. In 1911, the State of Idaho paid \$11,379.19 to acquire Heyburn State Park as authorized by federal statute from the United States. In 1977, the United States federal government instituted a lawsuit which seeks to take title away from the state and return it to federal hands.

Based upon this past and present experience with federal "trading" policies, the State of Idaho, in our opinion, should be extremely reluctant to enter into any more land trades with the federal government until these past and pending matters have been resolved. This unfortunate history does not reflect directly upon the merits of the Birds



of Prey expansion proposal. However, where future trades may be necessary if some expansion is accomplished, the lessons of that history make us extremely reluctant to accept federal land promises at face value. In addition, it must be noted that much of the affected land is held and managed under constitutional mandate for the sole purpose of generating maximum school endowment revenue to fund public education in Idaho. Accordingly, the State Land Board will be very cautious about trading lands in proximity to the Snake River that are close to irrigation water and thus have farming potential, for lands of lesser quality far removed from water sources with little or no present or future economic value.

#### ALTERNATIVES AND ISSUES NOT EXPLORED

To our observation the environmental impact statement and study are faulty and inadequate in the following regards:

1. The environmental statement offers and considers no compromise land area proposals. Although seeking 800,000 plus acres, the study and statement inadequately address the potential impact to the raptor population of smaller preserves. While the Townsend ground squirrel is acknowledged as the critical food source justifying the expansion, competent evidence contained in the study itself contradicts the

4. No discussion is made in the environmental statement as to the effect the expansion and designation will have on Mountain Home Air Force Base, its training and national defense role, and the related economy of the surrounding area.

5. The environmental statement does not even consider the alternative of State ownership and management of some or all of the proposed area of Birds of Prey. The State possesses a viable management entity, the Department of Fish and Game, that is well staffed and capable of overseeing the area much more economically than could the federal government.

6. The environmental statement does not directly consider and address the question of water rights and the appropriation of water from the Snake River. Although it is our understanding that amendments to the proposed legislation are being prepared which will clarify state control over those water rights and forever and absolutely disclaim any federal government intention of ownership or regulatory authority over Idaho's waters, the omission by the studies and statement to contemplate that point is a gross and almost unpardonable oversight. Without language which gives absolute certainty and clarity in this regard no legislation will ever be acceptable to the State of Idaho.

#### SUMMARY

As individuals and state officials we are very much

implication that these ground squirrels inhabit the whole area.

2. The environmental statement does not consider the concept of "incremental farming". It is entirely possible that a gradual development of farming in proper Carey Act land areas, with adequate controls and guaranteed open spaces to protect the bird and food source population, could permit the side-by-side existence of additional intensive agriculture and a healthy raptor community. This type of gradual and controlled development could provide a proper way of balancing interests and would determine more definitely than studies and projections ever can, the affect of small percentage increases of selected intensive farming on the area over time.

3. No discussion whatever is devoted to the impact upon those people who have already, in good faith under existing federal law, filed for farm lands under the Carey Act. This proposal provides no alternative lands near the Snake River as an alternative site for the prior filings, even though the Bureau of Land Management withdrew 113,000 acres from the study area which is otherwise eligible for Carey Act applications.

interested in preserving and enhancing the unique asset which Idaho has in its existing Birds of Prey Conservation Area. To the extent that this could be done with minimal negative present or future impacts upon Idaho's citizens, economy, state land management policy, school children and other interests, we are willing to maturely deliberate additional arrangements with the federal government. However, the exceedingly short notice and the abbreviated time frames for comment and consideration make our consultation with affected state citizens, interest groups and experts more difficult, and our cooperation and participation less meaningful. The draft environmental statement falls short of considering a proper range of sociological impacts and alternatives. Because of the unresponsive history of the federal government and particularly the Department of Interior in federal land trades with the State of Idaho, we will not be inclined to move quickly toward future promises until all pending litigation on past trades and promises is resolved. For the above reasons we object to these proceedings and request that Congress not approve this federal expansion until the State of Idaho, its officers and citizens have been granted sufficient time to study to carefully consider the extent to which this proposal is either an inappropriate increase in land dominance by the federal government or a valuable protection of natural resources.



To begin with, I must point out that for some reason the Idaho State Grange was not on the list of agencies and interest groups to receive the Environmental Impact Statement. It was only Tuesday afternoon that I was able to get a copy of the E.I.S. However, in this short time, I find it incomplete, unrealistic, slanted, and almost completely ignoring the needs of the state of Idaho. The incredibly short time allowed for the preparation of comments cannot be ignored. Surely another hearing, one in or adjacent to the area must be allowed.

a. The proposed Birds of Prey Area would apparently include the Mountain Home Air Force Base, and all of the National Guard maneuver area. Does this give precedence of hawks and owls over our fighter planes? Surely these are not compatible uses. Apparently it would include large areas of land under the Desert Land Entry and Carey Acts. I did not find a soils map, but the assumption was made that 50% of the land was suitable for agricultural production. The lack of a soils map indicates complete disregard for the basic value of the land.

Figures are cited for the cost of electricity for pump irrigation. If the \$14 million subsidy figure is true, it is a small item compared to the crop production, the industry and payroll generated from agriculture. The whole question of a subsidy may be questioned. Power rates have been and perhaps should continue to be determined largely on what it costs to get a given amount of electricity to its productive use. Naturally it costs less to deliver it in large quantities. If it costs more to produce it now than before, the blame or costs should be equally shared by electric heating and air conditioning, which were not common a few years ago. Again, these are not really productive uses, as is crop production. If there has been any subsidy, which is open to question, the result has been cheap food for all of us.

The loss of 19,000 AUM's grazing is cited, but this would be replaced many times over by the pasture and hayland of the development, furthermore development would probably not exceed 100,000 acres or less than 1/5 of the total area.

Birds of Prey Area Hearing

2

b. Development of this land would result in millions of dollars of income to this area, to the state of Idaho and to our national economy, as well as substantial increases in our property, income, and sales tax base. No mention of these factors is made in the Environmental Impact Statement.

The E.I.S. cites lack of water as a deterrent to development. We are able to produce larger crops with less water as we increase our knowledge of crop production. Correct fertilization takes the place of considerable water in crop production. Water needs per acre for crop production in north Idaho have been nearly cut in half with the advent of sprinklers and proper fertilizers. Our State Water Plan shows adequate water for this area.

And, if we do not make use of our water as proposed by our new State Water Plan, this water will go to other states and be lost to Idaho.

c. The assumptions made as a result of the \$800,000 bird-life study are contradictory in many phases. On 8-14 they talk about the reduction in Townsend squirrels from development, and yet on 2-18 they admit that "only the few squirrels with access to green vegetation such as irrigated alfalfa fields survived and reproduced in 1977." They apparently did not study the squirrel population around the irrigated fields, or chose to ignore this increased population in their computer calculations on Section 8-9. Those of us who have farmed know that there is a tremendous squirrel population surrounding cultivated fields. It is no wonder that more hawks are seen around the cultivated areas.

It is also difficult to believe that these intelligent raptors will not feed on other rodents, gophers, small birds and snakes when they get hungry. The diet of all animals, is naturally greatly dependent on what is actually available.

The effect of disease on the raptors, as well as disease of their food animals is largely ignored in the E.I.S.

I have been in the present birds of prey area several times and have failed to see the abundance of birds mentioned. In fact, I see many more birds of prey in areas where I travel, such as Wyoming, than here. I would suggest that an

\$800,000 study of birds in other areas might find greater concentrations in many parts of the country.

And as far as density, even the greatest total number of birds, as taken from Table 2-1, (excluding ravens), shows 1066 acres per pair of birds in the area. Does it really take 1066 acres of this land to support a pair of birds? I have excluded ravens because in north Idaho at least, they are so numerous as to be obnoxious and destructive of smaller birds.

d. Those who wrote the Environmental Impact Statement apparently see agriculture and human food production as a moral and economic sin, as the statements on 8-14 & 15 would indicate. Even the destruction of sagebrush is deplored. Chapter 7 states, "No irretrievable loss of resource values would occur. The proposed action would irreversibly curtail availability of this area for farm development, and for mineral entry, location and patent under the 1872 mining law." Since when are agriculture, and minerals not important resource values? This paragraph really contradicts itself. Again, agricultural resources are not even mentioned on page 6-1 under "other resource values" and neither are economic or human resources. Loss of farming is called short <sup>term</sup> trade-off.

The preparation of the exquisitely illustrated Environmental Impact Statement the accompanying brochure with colored pictures of all the birds of prey, and the beautiful slick-paper book represent a tremendous expenditure of public funds, and in our opinion, a poor one. It was obviously developed for an emotional appeal. It totally ignores people and their needs.

We have the feeling that if the people who prepared this material had been as well organized before 1900, as they are now, they would have opposed the development of all of southern Idaho. Then this vast area of agricultural and industrial wealth would not have existed - we would have hungry people here instead of being able to help feed the hungry people throughout the world.



DANIEL A. POOLE  
President  
L. R. JAHN  
Vice President  
L. L. WILLIAMSON  
Secretary  
JACK S. PARKER  
Board Chairman

Wildlife Management Institute

709 Wire Building, 1000 Vermont Ave., N.W., Washington, D.C. 20005 • 202 / 347-1774

August 2, 1979

Mr. D. Dean Bibles, District Manager  
Bureau of Land Management  
230 Collins Road  
Boise, Idaho 83702

Dear Mr. Bibles:

On July 20, we commented on BLM's Snake River Birds of Prey Draft Environmental Statement. Your office acknowledged receipt of our letter on July 24.

Following that, William B. Morse, our Western Field Representative, has offered some further questions and suggestions. These are presented below with the request that they be considered as a supplement to our initial statement.

p. 1-8. Do the proposed boundaries include all lands within the 15 mile forage area of prairie falcon? If not, the boundaries should be expanded to include them.

p. 1-6, 2nd par. Why limit raptor population goals to the 1976-78 averages? Management might increase this.

p. 1-15 (Counties) How many man years of law enforcement are provided by contract with the three counties for the conservation area? Is there a need for a similar contract with Idaho Fish and Game Department?

p. 3-5, Impact on Vegetation. Raptor-prey-vegetation studies should continue to determine ideal successional mixes and spacings.

p. 2-21. The management plan should address prey for peregrine falcons. This should involve potentials for increasing bird habitat on the upper portions, and management of riparian zones.

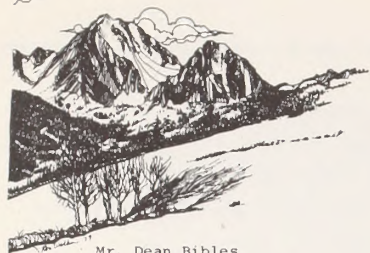
With thanks and best wishes.

Sincerely,

*Daniel A. Poole*  
Daniel A. Poole  
President

DAP:ibb





## The Wilderness Society

Idaho Regional Office  
Box 1661 / Boise, Idaho 83701 / (208) 342-8635

August 7, 1979

Mr. Dean Bibles  
District Manager  
Bureau of Land Management  
230 Collins Road  
Boise, Idaho 83702

Dear Dean

Upon further review of the draft environmental statement for the proposed Snake River Birds of Prey Conservation Area, I wish to make an additional comment to the statement which I presented to you on 2 August.

I direct your attention to the testimony submitted by Pete Cole of Pocatello who noted that the proposed southern boundary presently excludes a portion of the red-tailed and ferruginous hawks' range. I believe that a boundary adjustment to pick up this defined forage area would be consistent with the goals of the proposed Conservation Area. Specifically, this adjustment should include that territory within T.6S., R.2E.-R.8E.

Your consideration of this recommendation would be sincerely appreciated as you review public and agency comment on the Bureau's proposal.

Sincerely,

*Steve*  
Steven E. Payne  
Idaho Representative

Bureau of Land Management

10, 1979

We understand and share your concern for the protection of the birds of prey. However, it would appear that the continued publication and dissemination of aeronautical information containing the current request for maintaining 2000' AGL will provide sufficient protection.

Unless you can provide us with some legal basis for your proposed airspace restrictions, and FAA's concurrence in the authority, we must request that you delete reference to these airspace restrictions in your final environmental statement.

In the meantime, this Division will be most happy to assist you in disseminating reasonable aeronautical procedure requests through our own publications.

Sincerely

WORTHIE M. RAUSCHER  
Administrator

*Larry Hippler*  
LARRY A. HIPPLER  
Airport Development

LAH:po

cc: Cecil D. Andrus, Secretary  
Department of the Interior

Frank Gregg, Director  
Bureau of Land Management

William Mathews, State Director  
Bureau of Land Management

"IN WILDNESS IS THE PRESERVATION OF THE WORLD" — Thoreau

## STATE OF IDAHO

JOHN V. EVANS  
GOVERNOR  
IDAHO TRANSPORTATION BOARD  
CARL C. MOORE - CHAIRMAN  
LOYD F. BARROW - VICE CHAIRMAN  
ROY L. STROSCHEIN - MEMBER  
DARRELL V. MANNING  
DIRECTOR



## DIVISION OF AERONAUTICS AND PUBLIC TRANSPORTATION TRANSPORTATION DEPARTMENT

3483 RICKENBACKER ST. BOISE, IDAHO 83705  
PHONE (208) 384 3183

August 10, 1979

District Manager  
Bureau of Land Management  
230 Collins Road  
Boise, Idaho 83702

Gentlemen

Thank you for sending us the draft "Snake River Birds of Prey Environmental Statement."

Our Division is extremely concerned about statements presented in the document which indicate the BLM has the authority, and in fact, will attempt to restrict airspace over the proposed area. We are referring to statements on Page 1-10, "...include restrictions on use of the surrounding air space," and again on Pages 2-38, "The BLM has also established an airspace closure over the canyon areas annually from February 1 to September 1 to prevent disturbance of nesting birds of prey by low-flying aircraft."

We are unaware that the BLM has any authority to restrict or close airspace over lands under their jurisdiction. In fact, airspace over the Continental United States is controlled only by the Federal Aviation Administration and the Department of Defense, and then only to the extent of conducting safe flight and military operations.

It would appear that for the proposed birds of prey area, Federal Air Regulation, Part 91.79 would apply. This regulation restricts aircraft to 500' AGL in other than congested areas. Aeronautical charts published by the Department of Commerce request flight operations to be conducted above 2000' AGL over wilderness areas, wildlife refuges, etc.

We do not feel that attempts by your agency to restrict or close airspace over the proposed area is in the best interest of the public. Fish and game surveys by Federal and State agencies, search and rescue missions, military operations, and emergency situations will result in flight operations below the suggested 2000' AGL minimum. Conversely, most transient air traffic normally will operate above 2000' AGL while passing over the proposed area.

11 August 1979

W. F. Laudenslayer, Jr.  
3514 Marshall St.  
Riverside, California  
92504

District Manager  
Bureau of Land Management  
230 Collins Road  
Boise, Idaho 83702

Dear Sir:

Enclosed are my comments regarding the draft Environmental Statement on establishment of the Snake River Birds of Prey National Conservation Area. I have not been able to review this document at the level that I wanted to, so I will have to confine myself to very general comments

a. I am quite impressed with the packaging of the document. The maps look fairly good and the text reads smoothly. One comment concerns the evaluation of impacts in the ES. Perhaps because of the nature of the proposed action, detailed impact evaluations were not necessary. I am referring to the grazing and the National Guard portions of the Statement. The end result of the grazing portion was to maintain grazing levels at the current rate. However, I was unable to find if there was any evidence to support this decision. The same with the National Guard decision. The statement indicates that such use is compatible with the proposed action but I was unable to determine what kind of activities occurred under National Guard training. Perhaps I just missed this information, but if I am correct, perhaps these questions should be addressed in the final statement.

b. My other criticisms concern details in the handling of common names for wildlife species, the use of abbreviations in the text, the organization and use of scientific names in the appendix which lists all of the vertebrates found in the study area. The common names for birds are generally if not always capitalized in the scientific literature. The common names of other vertebrates are not capitalized. Abbreviations should always be identified and their usage should be limited. Many readers do not understand standard Bureau abbreviations and acronyms. The organization of the vertebrates in the appendix is very haphazard at best. These species should be organized phylogenetically so that the woodpecker order (Piciformes) is not mixed with the Passeriformes (perching bird order). Organization of this appendix should follow standard works. Birds of North America must follow the American Ornithologists' Union Checklist of North American Birds (1957) and supplements as noted below. This work formalized the treatment of North American avian phylogeny. I believe that mammals should follow Jones et al. (1975) Revised Checklist of North American Mammals North of Mexico, Occas. Papers of the Texas Tech University Museum, Number 28, which attempts to update the organization of the mammals. For reptiles and amphibians, probably Stebbins



(1966) Field Guide to Western North American Reptiles and Amphibians is best. If using this, you should check with a herpetologist to correct the outdated scientific names. The appendix should also cite the source of the organization system. Scientific names do not remain static, but are continually changing. As such the 32nd (1973) and 33rd (1976) Supplement to the American Ornithologists' Union checklist should be consulted. In the 32nd supplement, on would find that the Green-winged Teal is now considered as a subspecies of the European Green-winged Teal; the correct scientific name is Anas crecca rather than Anas carolinensis, the epithet carolinensis is available for the subspecies and the correct common name is Green-winged Teal.

I hope that my comments will be useful to you. I would be very glad to provide additional information if necessary. My office telephone number is (FTS) 796-1432. Please send me a copy of the final Environmental Statement when completed. Thank you.

Sincerely yours,

*William F. Laudenslayer, Jr.*  
William F. Laudenslayer, Jr.  
Wildlife Biologist

## STATE OF IDAHO

JOHN V. EVANS  
GOVERNOR  
IDAHO TRANSPORTATION BOARD  
CARL C. MOORE - CHAIRMAN  
LLOYD F. BARRON - VICE CHAIRMAN  
ROY L. STROSCHEIN - MEMBER  
DARRELL V. MANNING  
DIRECTOR



## TRANSPORTATION DEPARTMENT

P.O. BOX 7129

BOISE, IDAHO 83707

August 13, 1979

D. Dean Bibbes, District Manager  
Bureau of Land Management  
23D Collins Road  
Boise, Idaho 83702

Dear Mr. Bibbes:

After review of the Draft Environmental Statement for the proposed Snake River Birds of Prey National Conservation Area (BPNCA), I have the following comments to offer on behalf of this Department.

A significant feature within the boundaries of the proposed area is the highway network which includes Interstate BDN; State Highways 67, 51, and 45; and a number of county roads. In addition, borrow sources, which provide needed materials for maintenance of these roadways, are located within the proposed BPNCA boundaries. While the Draft Environmental Statement identifies impacts to a number of human activities and facilities, it is deficient in that it does not address transportation facilities and how they may be affected by the proposal. I strongly recommend such coverage be included in the final document.

There are no known major new transportation facilities proposed for the area. However, existing roads must be maintained and improvements to them may be made in the future. As such, management plans for the proposed BPNCA should accommodate continued use and maintenance of existing roadways, future improvements to them, and continued use of designated borrow sources. I believe these activities can occur concurrently with your principal goal, namely protection of the productive birds of prey ecosystem.

Given the above conditions, this Department is in general agreement with the proposal for the Snake River Birds of Prey National Conservation Area. Thank you for the opportunity to comment and for your efforts in proper management of public lands.

Sincerely,

*G. K. Green, P.E.*  
G. K. GREEN, P.E.  
State Highway Administrator

fdh

**SAFE TRANSPORTATION MEANS PROGRESS**  
EQUAL OPPORTUNITY EMPLOYER

KENT COE  
1613 2nd  
BAKER, OREGON 97814

11 AUGUST 79

25

BOISE DISTRICT  
BUREAU OF LAND MANAGEMENT  
BOISE, IDAHO,

DEAR B.L.M.,

THIS LETTER CONCERNS ITSELF WITH THE SNAKE RIVER BIRDS OF PREY CONSERVATION AREA DRAFT ENVIRONMENTAL STATEMENT.

THE BLM SHOULD BE HEARTILY CONGRADULATED ON AN ENJOYABLE, INFORMATIVE, UNDERSTANDABLE ENVIRONMENTAL STATEMENT. IT'S RATHER NICE TO READ YOUR ENVIRONMENTAL STATEMENT AFTER STUMBLING THROUGH VARIOUS OTHER E.S.'S PUBLISHED BY THE GOVERNMENT. HOWEVER, THERE ARE TWO ISSUES WHICH I STILL DON'T UNDERSTAND. PERHAPS A CLARIFICATION FROM YOU IN THE FINAL ENVIRONMENTAL STATEMENT WOULD ANSWER MY QUESTIONS.

FIRST, IN CHAPTER 8 YOU DISCUSS MODIFICATION OF THE PROPOSED BOUNDARY. BUT YOU DON'T MENTION YOUR RATIONALE IN EXCLUDING ONLY THE 10,360 ACRE BLOCK OF STATE LAND. WHY NOT EXCLUDE THE REST OF THE STATE LAND WITHIN THE PROPOSED CONSERVATION AREA BOUNDARY? WHAT WAS YOUR REASONING FOR EXCLUDING THAT ONE BLOCK OF STATE LAND AND NOT THE REST OF THE STATE LAND? WHY NOT THE PRIVATE LAND AS WELL?

SECOND, WHY WASN'T A MAP AND DISCUSSION INCLUDED ON THE BLM'S INITIAL WILDERNESS INVENTORY ON THE PROPOSED SNAKE RIVER BIRDS OF PREY CONSERVATION AREA? THE INITIAL WILDERNESS INVENTORY WAS COMPLETED IN APRIL 1979 WHICH WOULD HAVE BEEN PLENTY OF TIME FOR YOU TO INCLUDE A DISCUSSION OF THE AREAS IN YOUR DOCUMENT. I HOPE THERE IS DEBATE ON THE POSSIBLE WILDERNESS AREAS ALONG WITH A MAP IN THE FINAL ENVIRONMENTAL STATEMENT.

I SUPPORT THE SNAKE RIVER BIRDS OF PREY CONSERVATION AREA. THE BLM IS RIGHT. THE AREA IS UNIQUE AND SHOULD BE PROTECTED. FINALLY, COULD YOU PLEASE INCLUDE MY NAME & ADDRESS ON YOUR MAILING LIST FOR THE BIRDS OF PREY AREA AND SEND ME A COPY OF THE FINAL E.S. FOR THE AREA. THANKS.

KENT COE  
1613 2nd  
BAKER, OR 97814

Atlantic Richfield Company 555 Seventeenth Street  
Denver, Colorado 80217  
Telephone 303 575 7577

J. R. Mitchell  
Public Lands Coordinator

August 13, 1979

District Manager  
Bureau of Land Management  
23D Collins Road  
Boise, ID 83702

RE: Snake River Birds of Prey  
National Conservation Area

Dear Sir:

Atlantic Richfield Company appreciates the opportunity to offer comments to the Bureau of Land Management (BLM) with regard to the Draft Environmental Statement (DES) on the establishment of the Snake River Birds of Prey National Conservation Area in Idaho.

Exploration and development of energy and mineral resources should be one of the most important considerations for land use; however, large-scale withdrawals of public land from multiple use has increased substantially in recent years and is approaching critical proportions. Land should be evaluated for its oil, gas and other energy potential prior to withdrawal. Once an area is "locked-up" it becomes extremely difficult to evaluate its potential. Developments such as the North Slope oil field in Alaska and the 600-mile Trans Alaska Pipeline have shown that major fields can be developed and the product moved to market with little, if any, lasting impact on the land or the wildlife it supports.

Certain statements in the DES are confusing when discussing the impacts on mineral exploration and production. On page 1-4, it states that "this proposal would prohibit mineral entry and patent under the 1872 Mining Law." However, on page 3-13, it says that "mineral leasing on public land would continue as long as the activities were in harmony with the management objectives for the proposed conservation area and did not adversely affect the birds of prey and their habitat." We believe that exploration and development activities can be conducted in a manner which will be in harmony with the wildlife present in the area.



District Manager  
Page Two  
August 13, 1979

For the reasons stated above, we recommend that this area be opened to energy and minerals exploration and production activities. Also, as noted on page 2-13, the USGS has classified large portions of the Snake River Plain as prospectively valuable for oil, gas and geothermal development. We believe that even in cases where thorough analysis indicates a wilderness or other withdrawn classification is appropriate, such classifications should be made with a periodic reassessment provision.

Atlantic Richfield Company endorses the concept of multiple use of public lands. The public interest is best served when ecologically and economically prudent exploration and production activities are allowed to coexist with other lands uses. Exploration for and development of energy and mineral resources would expand our domestic energy supply, improve local and national economies, increase employment and help reduce U.S. dependence on foreign imports.

Again, we appreciate the opportunity to offer comments to the BLM with regard to the Snake River Birds of Prey National Conservation Area.

Sincerely,  
*J. R. Mitchell*  
J. R. Mitchell

JRM/gmd



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY  
WATER RESOURCES DIVISION  
Box 036 Federal Building, Room 365  
550 West Fort Street  
Boise, Idaho 83724

August 16, 1979

District Manager  
Bureau of Land Management  
230 Collins Road  
Boise, ID 83702

Dear Sir:

Recently, we were furnished a copy of the draft environmental statement on establishment of the Snake River Birds of Prey National Conservation Area. We have reviewed and wish to comment only on certain parts of the statement that are within our area of expertise.

In Chapter 2-3, the flow data (about 1965) should be updated to indicate more current information. For example, our report "Water Resources Data for Idaho, Water Year 1977," provides the following factual data at two gaged sites within or near the study area. For Snake River at King Hill, (river mile 546.6), the average discharge for a 68-year period of record is 10,800 cubic feet per second. Downstream at river mile 453.5, the Snake River at Murphy average discharge for a 64-year period was 11,070 cubic feet per second. We believe use of either of the above figures would improve your statement.

We have no other comments on the environmental statement and appreciate having received a copy for review and library reference use.

Sincerely yours,

*E. F. Hubbard*  
for E. F. Hubbard  
District Chief

August 14, 1979

Mesa LaPaz Association  
Floyd Phillips, President  
Route 2  
Rupert, Idaho 83350

Dear Sirs:

We have been informed that our Carey Act Entry is within the Birds of Prey Study Area. The legal description follows:

T6S - R6E, B.M.

Sec 21 - E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$   
Sec 22 - W $\frac{1}{2}$   
Sec 26 - W $\frac{1}{2}$ SW $\frac{1}{2}$   
Sec 27 - W $\frac{1}{2}$ NE $\frac{1}{2}$ , SE $\frac{1}{2}$ NE $\frac{1}{2}$ , W $\frac{1}{2}$ , SE $\frac{1}{2}$   
Sec 28 - E $\frac{1}{2}$ , E $\frac{1}{2}$ NW $\frac{1}{2}$ , SW $\frac{1}{2}$   
Sec 29 - NE $\frac{1}{2}$ SE $\frac{1}{2}$   
Sec 33 - E $\frac{1}{2}$   
Sec 34 - All

Total - 3040 Acres

In the BLM book, "Snake River Birds of Prey National Conservation Area", on map 2-2 (Townsend Ground Squirrel Density) we note that we do not have ground squirrels on the entry. Map 2-3 (Raptor Foraging Ranges) shows there are Red-tailed and Ferruginous Hawks in the area. We feel good farm ground will produce more rodents for the birds than the desert ground ever will.

We are informed the new sanctuary would contain 515,257 acres of federal land, 43,619 acres of state land and 161,037 acres of private land. This is not realistic for 1,000 pair of raptors. To set aside over 700 acres for each pair of raptors is inconceivable.

The Department of the Interior has said there would be an exchange for lands taken. This should be decided before lands are taken. If prime farm ground is taken it must be replaced with prime farm ground.

We have 19 units in our entry and most of them are young people with a sincere desire to farm.

We thank you for your help in the past. We trust you will consider this letter.

Sincerely,

*Floyd Phillips*

RECEIVED  
AUG 17 1979

28

DEPARTMENT OF THE AIR FORCE  
HEADQUARTERS TACTICAL AIR COMMAND  
LANGLEY AIR FORCE BASE, VIRGINIA 22060

16 AUG 1979



REPLY TO  
ATTN OF

DEEV

SUBJECT

Review of Draft Environmental Statement, Snake River Birds of Prey Conservation Area

TO

District Manager  
Bureau of Land Management  
230 Collins Road  
Boise, ID 83702

a.

1. The Draft Environmental Statement for the Snake River Birds of Prey Conservation Area has been reviewed by the Tactical Air Command Environmental Planning Office. We believe the document fails to address concerns of the Air Force and in particular the impact in designating the conservation area upon Mountain Home AFB flight operations.

2. The only recognition of Air Force facilities or operations in the area is on page 1-14 which states that a portion of the land is withdrawn for Mountain Home Air Force Base. The summary of provisions suggested for inclusion in the Birds of Prey National Conservation Area Bill includes a provision however for "Partial or complete temporary closure of... airspace." The impact of such a broad action is not adequately described nor discussed.

3. Recommend that at least the following items be addressed in the final environmental statement and coordinated through Air Force agencies.

a. A detailed map showing the airspace area and altitude restrictions proposed for closure. The effective dates of the closure should be annotated on the map.

b.

b. A discussion describing the effects of and impacts on military aircraft operations within and adjacent to the Birds of Prey Conservation Area. This should include not only the Mountain Home AFB area but also the Saylor Creek Air Force Range.

c. The draft statement should also address how designation of the conservation area will affect land use of the base proper at Mountain Home AFB (ref page 1-14).

4. Thank you for the opportunity to review the document and request we be included on the distribution list for the final

Readiness is our Profession



statement on the Snake River Birds of Prey Conservation Area. Please direct any inquiries concerning this letter to TAC/DEEV, Langley AFB VA 23665.

*George C. Windrow*  
GEORGE C. WINDROW  
Asst Director of Eng & Const

Cy to: AFRCE/WR  
AFREP FAA Western Rgn  
ANGBSC/DEV (ATTN: Mr.  
Vangasesk)  
124 TFG/DOS  
366 TFW/DOS  
366 CSG/DEV  
12 AF/DOS  
HQ USAF/LEEV  
HQ USAF/LEER



## League of Women Voters of Boise

August 21, 1979

COMMENT ON DRAFT ENVIRONMENTAL STATEMENT  
SNAKE RIVER BIRDS OF PREY NATIONAL CONSERVATION AREA  
U.S. BUREAU OF LAND MANAGEMENT, BOISE DISTRICT

The proposed action evaluated for environmental impacts in this draft environmental statement by the Boise District Office of the BLM is to designate 515,257 acres of public land in Ada, Canyon, Elmore, and Cwynee counties, Idaho, as the Snake River Birds of Prey National Conservation Area.

Our comments on the ES are based on the following League of Women Voters position:

LAND USE decisions should be based on social, environmental and economic factors. Those decisions should relate use of land to its inherent characteristics and carrying capacities. The appropriate level of government should identify and regulate areas of critical concern such as fragile or historic lands where development could result in irreversible damage to rare or valuable ecosystems, significant wildlife habitats, and/or unique scenic or historic areas.

We support the proposed public land withdrawal as necessary to ensure the protection, maintenance, and perpetuation of the birds of prey.

Evaluation of the ES reveals good documentation of the unique ecosystem of BPNA. Soils, geology, climate, and water supply which provide for the nesting of the raptors is appropriately detailed and identified. Documentation of the number of raptor species and their density also points out the value of BPNA.

It appears that an additional 687,686 acres of land withdrawal is to prevent agricultural development which results in reduction of the ground squirrel and jackrabbit populations. However, the ES only partially documents the raptor/prey/land use correlation. Of the farmable public acreage, how

31



## League of Women Voters of Boise

League of Women Voters of Boise  
August 21, 1979  
page 2

7590 Carriage Lane  
Boise, Idaho 83704  
August 21, 1979

District Manager  
Bureau of Land Management  
230 Collins Road  
Boise, Idaho 83702

Dear Sir:

Enclosed are the League of Women Voters of Boise comments on the Draft Environmental Statement on the Snake River Birds of Prey National Conservation Area.

Comments were written by:  
Vicky Paulson, LWV Natural Resources Chair, 65 Clear Creek Drive  
Meridian, 83642  
Gail Bray, LWV Legislative Chair, 1006 E Jefferson, Boise, 83702

Thank you for the opportunity to review and comment on this environmental statement.

Sincerely,

*Michelle Morrison*  
Michelle Morrison  
President

a.

much is vital to the perpetuation of the birds of prey? What percentage of the public, the private, and the state land in the study area provide for raptor hunting grounds? How many Townsend ground squirrels, jackrabbits, etc. are necessary to maintain the present population of raptors within BPNA? The Summary of Anticipated Impacts of Alternative B [Table 8-1] reveals a potential prairie falcon productivity reduction of 6% for only a 10,360 acre difference in land. Other raptor/prey/land correlations do appear under section 8-8. Impact on wildlife, however, League feels such data should be more explicitly documented to justify the proposed land withdrawal.

The ES does a laudable job of describing the management philosophy for the area, i.e. extensive and varied use of the land, conducted in such a manner as to insure foremost the protection of the prey base and raptor nesting habitat. The continued use of the area for National Guard maneuvers, grazing, oil/gas/geothermal leasing, recreation, controlled ongoing mining operations -- all indicate the desire of the government to encourage the major multiple uses of the lands while holding paramount the protection of the birds of prey.

The fact that farming on private lands within the proposed Conservation Area will be continued is a point worth further elaboration. The lands proved important to the survival of ground squirrels during a 1977 drought and provide a valuable laboratory for further study of the part played by the use of toxic substances on birds of prey as well as dependence of raptors on recreational birds for diet.

b.

The mineral leasing changes resulting from the proposed land withdrawal are confusing to the layman. Map 1-1 identifies patented land which is defined only indirectly under the glossary definition of the Mining Law of 1872. The effective difference of mineral entry under the 1872 Mining Law versus application through the Secretary of the Interior under the Mineral Leasing or Geothermal Stream Act is unclear.

c.

The ES identifies 43,600 acres of state-owned lands with the potential of 25,000 acres for exchange. The LWV has been interested in state lands for the past ten years and their position has advocated exchange of isolated tracts of land with the federal government. If land exchange does not take place, will the potential use of state lands in isolated areas have a detrimental effect on the prey population? The final ES should address prey population impact with and without such land exchange.





## League of Women Voters of Idaho

850 Safstrom Drive  
Idaho Falls, Idaho 83401  
August 24, 1979

District Manager  
Bureau of Land Management  
230 Collins Road  
Boise, Idaho 83702

Dear Sir:

The League of Women Voters of Idaho wishes to comment on the draft environmental statement on establishment of the Snake River Birds of Prey National Conservation Area. Our statement is based on the land use position of the League of Women Voters of the United States, which says in part:

"In decisions about land use, public as well as private interests should be respected, with consideration for social, environmental, as well as economic factors.

The appropriate level of government should identify and regulate areas of critical concern such as "wildlife habitats" where development would result in irreversible damage."

The LWVI believes that the draft environmental statement contains adequate information, presents a choice of options, and details what will occur if the proposed action does not occur. We would like to commend the BLM on a readable and easily understood document. The Idaho League does agree that preservation of the 15 species of raptors found in the Birds of Prey area is important to the people of the United States. We also believe that more than 26,714 acres is necessary for protection of these species.

The LWVI recently commented on a draft environmental statement for Carey Act and Desert Land Act development in southwest Idaho. We stated that the proposed agricultural development would cost much more than it would return and that development would destroy important historical, recreational and wildlife areas such as Birds of Prey. We argued that such areas should be preserved.

We do, however, have one serious reservation about the

d. The ES section under Socio-Economics [page 2-40] relating to social attitudes was most interesting but unclearly documented. Were the "inquiries and personal interviews" used as data for this section recorded? Did a questionnaire direct the interviews? How many people gave input to the conclusions?

e. The control of increased visitor use cited in the ES as necessary for preservation of the ecosystem carries an important warning and subsequent responsibility. With approval of this public land withdrawal, is the government ready to spend more toward enforcement of its uniqueness? The ES also makes clear the need for vegetation management to insure a continued diversity for support of the birds of prey food source. This vegetation management will also require substantial resources. The monetary responsibility for increased management and enforcement should be examined with greater attention.

f. Prospectively, a review of the ES failed to answer an important question. Can an increase in the density of raptors in the BPNA be anticipated by withdrawing a total of 515,257 acres? Is the proposed land base geared primarily toward conservation of endangered species rather than proliferation of those species? Will more land be needed in the future to increase the raptor population?

While the ES clearly documents that there are great economic costs in conversion of public rangeland into farmland, the League feels that most important to stress is the loss of farming potential as a short term price for the protection and preservation of the total ecosystem. Socio-economic balance is unacceptable when the change from grazing into farmland provides hardship for livestock operations, produce glutts the market depressing prices for farmers, and irrigation costs drive up utility charges for all Idaho Power consumers.

Conversion of rangeland into farmland follows the pattern of past Idaho agricultural growth. The League seriously doubts whether the citizen's desire for agricultural development is sufficiently strong to support multi-million dollar annual subsidies to the prospective new irrigators for electric power. The effect of increased electricity costs on existing Idaho Power Company customers would be extreme [up to \$90 per year for a typical residential customer]. This impact on a low-income or fixed-income household would be severe. The effect of higher electricity on existing irrigators is particularly important. The increase in energy costs plus the competition of increased agricultural production have the potential of putting existing pump-irrigated land out of production. It is possible that there would be no net gain in the agricultural production of this region in the long run.

League of Women Voters of Boise  
August 21, 1979  
page 4

While agreeing with the proposed withdrawal of 515,257 acres, the League has attempted to comment on the merits of the ES as written. Uniqueness of the ecosystem as well as the management philosophy of the BPNA have been well identified. With amplification of the following, the League feels the ES would be a stronger document.

- 1) Statistically explicit raptor/prey/land correlation
- 2) Value of private land farming
- 3) Mineral leasing clarification
- 4) Impact of state land exchange
- 5) Social attitudes documentation
- 6) Monetary responsibility for management and enforcement
- 7) Future raptor needs
- 8) Loss of farming as a short term price for ecosystem preservation

BLM, Page 2

a. proposed 515,257 acre area. That reservation concerns the approximately 43,619 acres of state lands contained in the study area. The ES does not explain that under the Idaho Admissions Act, when the Federal Government withdraws lands granted to the state, the state is then entitled to select other lands in lieu of those taken. This should be fully explained in the final ES.

The Idaho League has studied state-owned lands since 1971 and is well aware that the State of Idaho has not been very successful in obtaining exchange lands from the Federal Government. Many promises are made at the time the land is taken but many snares appear when the state attempts to obtain land to which it is entitled.

For this reason, we cannot give our unqualified support to the proposed action. We would suggest that the final ES be more specific as to the method the BLM has used in negotiating with the State Land Board. Specific proposals for land exchanges and a time table for exchange should be given. This should be done both for the 10,360 acre block explained in Alternative B and for other isolated sections within the proposed areas.

In summary, we would like to see both establishment of the Birds of Prey Conservation Area and exchanges of state land; but if the exchanges cannot be made in a reasonable time, we would have to reconsider our support of the Conservation Area.

b. We also have several questions which are not answered by the ES. First, is it possible to consider another alternative somewhere in acreage between the present area and Alternative B? If so, the final ES should give that option or options.

c. Secondly, in Alternative C, page 8-28, first paragraph, we do not understand the last statement which reads: "Although..... use of these lands would not be affected under this alternative." Does that mean that the State of Idaho would still administer and lease state lands? This should be explained.

d. Finally, we question the section entitled "Social Attitudes" on pages 2-40 to 2-47. Is it appropriate to have such material in an ES? If appropriate, the ES should state specifically how people were interviewed and what controls were used. The ES seems to imply that if you are an urban resident, you favor Birds of Prey, but if you are a rural resident, you do not. We wonder if such generalizations only serve to polarize further those who support and those who oppose.

Sincerely yours,

Dorothy Mandiloff  
Dorothy Mandiloff  
Land Use Chairperson

Verna Brown Sallee Gasser  
Verna Brown Sallee Gasser  
Land Use Chairperson Stats President





# NATIONAL AGRICULTURAL CHEMICALS ASSOCIATION

THE MADISON BUILDING  
1155 Fifteenth Street, N.W., Washington, D. C. 20005  
202 • 296-1585 Cable NAGRICHEM

August 21, 1979

To:  
William L. Mathews, State Director  
Bureau of Land Management: Idaho State Office  
Federal Building, Box 042  
Boise, Idaho 83724

Dear Mr. Mathews:

## COMMENTS ON THE DRAFT ENVIRONMENTAL STATEMENT FOR THE SNAKE RIVER BIRDS OF PREY NATIONAL CONSERVATION AREA

FOREWORD: I have followed the development of the BIRDS OF PREY NATURAL AREA since its inception and agree that it is an outstanding conservation program. The scope and quality of the research program that was undertaken to elucidate the prey base that is necessary to support the raptor nesting population is excellent. There can be no disagreement that adequate conservation of a breeding population must include provision for a sustaining food source. The present Snake River Birds of Prey Natural Area, encompassing some 26,000 acres of canyon nesting sites is deficient in that no hunting habitat is similarly managed.

However, I am uncomfortable about seeking the optimum in resources to support this program. Human society and its economic structure are facing finite limitations in natural resources - not wildlife alone. It will be very unwise not to seek an accommodation between these competitive requirements.

COMMENT A: The proposed BNPCA of some 719,914 acres includes within its boundary 159,500 acres of private lands (19% of the study area) presently farmed for potatoes, sugar beets, beans, corn, grain, and alfalfa (p. 2-34). The BNPCA plan gives the impression that this agricultural activity, and the withdrawal of irrigation water from the Snake River necessary to support it, will continue as before. It is a matter of record that most 'conservation set-aside areas' acquire a preferred status as regards environmental laws now in effect (Clean Air Act, Federal Water Pollution Control Act, Quiet Communities Act, Resource Conservation and Recovery Act, etc.). Agricultural lands encompassed in these

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high standard zones will be subject to significant constraints they would not otherwise be subject to.

- 1) Quality of irrigation return flows.
- 2) Drift of pesticide applications.
- 3) Since some prey species upon which raptors feed frequent cultivated fields, body chemical residues acquired therefrom would be of concern. This could lead to BNPCA restrictions on what registered chemicals might be employed.
- 4) Newly cultivated or fallow fields are subject periodically to wind erosion, bringing into play the 'total suspended particulate standards' of the Clean Air Act.

COMMENT B: Since the purpose of BNPCA will be to manage natural brush and rangelands to optimize numbers of raptor prey species - particularly jack rabbits and Townsend Ground Squirrels - there will be an occasional year when these two species will inflict unacceptable losses to crops. Locally, in every year, there will be perimeter damage in crops that, while not too serious, will nevertheless be a cause for friction. This problem should be recognized and dealt with in one of the following ways:

- 1) Permit growers to control mammalian pests on their own holdings, which may involve using poisoned baits.
- 2) BNPCA assumes responsibility for rodent control.
- 3) BNPCA will compensate growers for crop losses inflicted by protected prey species.

COMMENT C: "The proposed action would prohibit new large scale farm development on 325,000 acres of farmable public lands" (p. 3-1). In a subsequent chapter on Mitigation Measures this statement appears, "The BLM has recently completed a draft environmental statement for agricultural development in SW Idaho which delineates over 100,000 acres of land outside the proposed Conservation Area as suitable for farm development" (p. 4-1). Not only are the two figures far apart, but it should also be shown how they compare in soil quality, water availability, and distance from market, with those in the proposed Conservation Area.

COMMENT D: At a number of places in the draft environmental statement there are brief references to plans for water resource development along the Snake River within the proposed BNPCA (pages 1-13, 1-15, 2-3, 2-48, and 6-2). However, nowhere

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d. in the draft where summarizing impacts of the action are discussed (incl. Table 8-1) is there a statement of the anticipated impact of foregoing water and power development along the 80 mile sector of the river to meet regional energy and off-stream water needs.

e. COMMENT E: I question the propriety of pitting one special interest group against another in order to curry local support. For example: if BNPCA is not acted upon favorably then increased land withdrawal for farming will displace ranchers presently grazing the area. Again, alerting present users of electrical power (including present irrigators of agricultural lands) that if new power generating stations have to be constructed in order to serve new irrigated farms, existing users will be expected to foot a significant part of the costs.

f. COMMENT F: While I recognize the desirability of limiting traffic routes (p. 3-6) and increasing enforcement of off-road vehicles (p. 4-2) to protect sensitive areas, I find the "no adverse effects" rating given the National Guard for extensive tank maneuvers on 122,600 acres a little difficult to comprehend.

PROFESSIONAL EXPERTISE: Extensive, first-hand, experience with animal damage problems in the intermountain and SW states, which was my field territory for the U.S. Biological Survey/U.S. Fish and Wildlife Service (1927 through 1962). Intermittent field assignments in Idaho on rodent problems. Involved in raptor research and recovery programs.

Sincerely,

Donald A. Spencer, PhD  
Ecologist

DAS/bvk

## U.S. ENVIRONMENTAL PROTECTION AGENCY

### REGION X

1200 SIXTH AVENUE  
SEATTLE, WASHINGTON 98101



REPLY TO:  
ATTN OF: M/S 443

AUG 31 1979

Boise District Manager  
Bureau of Land Management  
230 Collins Road  
Boise, Idaho 83702

Dear Sir:

We have completed our review of your draft environmental impact statement for the Snake River Birds of Prey National Conservation Area. In general, EPA supports the proposed action. We believe the protection of raptor habitat in this area, in addition to conserving a valuable wildlife resource, will have beneficial water quality effects due to avoiding the conversion of this area to farmland. Not only will an increase in nonpoint source pollution to the Snake River from cropland runoff be prevented, there will also be less impact on streamflow from irrigation withdrawals.

Although the proposed action is environmentally beneficial in intent, there are several reasons to question whether the conservation objectives will be fully met in practice. The proposal does not appear to adequately account for the potential effects of several inconsistent developments, some of which are at least partially within BLM's jurisdiction.

1. BLM is proposing to approve the conversion of over 100,000 acres bordering the Conservation Area to irrigated farmland, under the Desert Entry and Carey Acts. This conversion would have serious impacts on the Snake River, including runoff, irrigation withdrawals, and increased demand for electricity leading to construction of new dams. These impacts may interfere with the objectives of the Conservation Area, especially for species such as the Bald Eagle, Osprey, and River Otter which are dependent on riparian and aquatic habitats. Terrestrial habitat may also be affected by irrigation pumping stations and pipes.

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- b. 2. The proposed hydroelectric projects of the Idaho Power Company, mentioned on pages 1-15 and 1-16 of the draft EIS, would inundate extensive reaches of the Snake River, potentially affecting raptor habitat.
- c. 3. Mineral leasing will continue and future mining activity would be permitted with administrative controls. Whether mineral development could take place without endangering the conservation objectives of the area is open to question. It is not known whether administrative control will always be adequate to ensure adequate protection for raptor populations and habitat.
- d. 4. The U.S. Fish and Wildlife Service has been updating its Animal Damage Control Program for mammals and will soon update the avian program. Grazing is an important use in the proposed Conservation Area. A conflict is perceived by some ranchers between raptors and grazing operations. Will creation of the Conservation Area ensure that the Animal Damage Control Program will not propose destruction of raptors to satisfy the wishes of ranchers?

We believe management planning for the Conservation Area, as well as legislation creating the area, should take account of these potential conflicts. The legislation, as presently drafted, may allow undue discretion to the Secretary, such that the commitment to conservation objectives will be severely taxed. EPA would encourage the inclusion of stronger protective language in the legislation. Such legislation might specify in more detail the conservation objectives to be met and the restrictions to be placed on mineral development, for example, to prevent loss of wildlife or other environmental values. We believe such statutory protection may be necessary to ensure that the proposed "multiple use" of the area does not jeopardize the area's primary raptor conservation objectives. We ask that the final EIS discuss these issues.

The Environmental Protection Agency has rated this draft statement LO-2 (LO - Lack of Objections; 2 - Insufficient Information). This rating will be published in the Federal Register in accordance with our responsibility to inform the public of our views on proposed Federal actions under Section 309 of the Clean Air Act, as amended.

Thank you for the opportunity to review this environmental statement. If you have questions or would like to discuss these comments, please feel free to contact me or Craig Partridge of my staff at (206) 442-1285 or (FTS) 399-1285.

Sincerely,

*Alexandra B. Smith*  
Alexandra B. Smith, Chief  
Environmental Evaluation Branch

#### NORTHWEST PIPELINE CORPORATION

P.O. BOX 1526  
SALT LAKE CITY, UTAH 84110  
801-934-3600

August 20, 1979

District Manager  
Bureau of Land Management  
230 Collins Road  
Boise, Idaho 83702

Gentlemen:

Enclosed are the comments of Northwest Pipeline Corporation regarding the Draft Environmental Statement on the Snake River Birds of Prey National Conservation Area.

Thank you for your consideration of these comments.

Sincerely,

NORTHWEST PIPELINE CORPORATION

*William J. Huhtala*  
William J. Huhtala  
Environmental Coordinator

PH/ps

enc

#### COMMENTS OF NORTHWEST PIPELINE CORPORATION PROPOSED BIRDS OF PREY NATIONAL CONSERVATION AREA

Northwest Pipeline Corporation ("Northwest") supports the protection of the birds of prey population and their habitat, and is in favor of designation of the area specified in the OES as a National Conservation Area.

Northwest's comments are in regards to a natural gas pipeline owned and operated by Northwest which crosses the southern portion of the proposed Conservation Area for a distance of approximately 20 miles. The 16" outer diameter pipeline crosses the Snake River just east of the state Highway 51 river crossing at section 33, Township 5 South, and Section 4, Township 6 South, both in Range 6 East. This line supplies natural gas to a Nevada distributor for delivery in Nevada and was put into operation in 1963.

Northwest's main concern is with the BLM's proposed Airspace Closure Regulation, limiting flights over the Conservation Area during nesting periods. In compliance with Title 49, CFR, Part 192, Transportation of Natural and other Gas by Pipeline, a weekly surveillance is made of the entire pipeline route, from near Mountain Home to the Nevada border. Due to the inaccessibility of the pipeline, the inspection is made by aircraft at an altitude of approximately 500 feet and lower.

On a yearly basis the pipeline route must be driven for routine maintenance and repair procedures.

In addition to access for routine operation and maintenance procedures, Northwest may from time to time need access for construction operations to repair, replace, remove, or add to existing facilities.

Northwest desires that its required aerial and ground surveillance of the pipeline be allowed to continue if the area is designated as a National Conservation Area.

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United States Department of the Interior

FISH AND WILDLIFE SERVICE  
ECOLOGICAL SERVICES  
4620 Overland Road, Room 209  
Boise, Idaho 83705

September 6, 1979

TO: Boise District Manager, Bureau of Land Management, Boise  
FROM: Field Supervisor, ES, Boise  
SUBJECT: Snake River Birds of Prey National Conservation Area  
Draft Environmental Impact Statement, - Reference B2/1792 (POP)

We received the subject document and have reviewed according to instructions in the State Director's undated letter enclosed with the report.

#### General Comments

Overall, the stated action to retain 515,257 acres of public land for the perpetuation of birds of prey is unprecedented. The proposal represents a holistic approach to ecosystem management and BLM is to be commended for such a planning approach. The Service supports this approach and the goal of protecting this unique area.

The proposed integration of 719,014 acres of Federal, State, and private lands would serve to protect both nesting and prey base habitat for the most dense population of raptors in North America. Proposed management objectives for protecting this acreage and the resource found therein are adequate but should be reviewed periodically to insure that objectives continue to be achieved.

#### Specific Comments

Page 1-14. Even though the Idaho National Guard conducts training exercises within the proposed area, a specific management plan for their actions should be thoroughly developed. This plan should include any proposed changes in the status of the National Guard Military Reservation. A detailed agreement should be obtained whereby those lands that are included in the Reservation would revert to "Conservation Area" status under BLM management in the event that the Department of Defense relinquishes their present use.



Save Energy and You Serve America!



Page 1-15. The Service should have an opportunity to review any land exchange proposed by BLM which seeks to consolidate Federal ownership in the Conservation Area and block up State ownership outside it. Currently, 43,000 acres of State-owned land are found within the proposed area.

Page 1-16. We encourage the BLM to continue their efforts in attempting to reestablish peregrine falcons on public lands. The cooperative agreement established with The Peregrine Fund of Cornell University represents a good faith effort to uphold the intent of the Endangered Species Act of 1973, as amended.

Chapters 1-9. The illustrated pages preceding each chapter could be improved. The Service recommends that illustration alternatives similar to the high quality art work on the cover be explored for use in the final environmental statement.

#### Summary

We appreciate the opportunity to comment on the subject draft statement. The proposed action represents a concerted effort by the Bureau of Land Management to provide a measure of balance in the implementation of multiple use principles.

*Richard J. Fisher*  
Richard J. Fisher

cc: AO, Boise  
RO, Portland  
OEC, Washington, D.C.  
IDF&G, Headquarters  
IDF&G, Region 3

D. Dean Bibles  
September 11, 1979  
Page 2.

This is a known mineral area. It is adjacent to Silver City where there is still gold and silver to be mined. There is a producing silver mining operation close to the proposed expansion area.

There is a possibility of oil resources to be developed. One of the major oil companies had leases on this land many years ago. They allowed the leases to lapse, but since the shortage of oil, other major companies have shown great interest in exploration for drilling.

Expansion of the current Birds of Prey area would prohibit further development in these resource fields.

The federal government does not have a good reputation for fulfilling its obligations to the state. A case in point is the satisfaction of lieu land selections which has been delayed over and over again because of bureaucratic red tape. If the federal government takes the 34,000 acres of state land included in the expansion area, what guarantee do we have that we will ever get title to 34,000 acres with the potential the current land has? From past experience, I would say there is no guarantee.

Locking up this land also reduces the acreage available for lieu land selections and exchange. Reduces the land available for Desert Entry and Carey Act development. Maybe we don't need further development of agricultural land at this time, but who is to say what our needs will be in the years to come. It would be a mistake to withdraw land and lock it up against future development as needed.

I repeat, I am opposed to the expansion of the current Birds of Prey area.

Very truly yours,

*Walter H. Yarbrough*  
Walter H. Yarbrough  
Senator, District #19

WHY:k

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WALTER H. YARBROUGH  
DISTRICT NO. 19



COMMITTEES  
FINANCE, VICE CHAIRMAN  
STATE AFFAIRS  
TRANSPORTATION

## Idaho State Senate

MAJORITY CAUCUS CHAIRMAN  
CAPITOL BUILDING  
BOISE

September 11, 1979

D. Dean Bibles  
District Manager  
Bureau of Land Management  
230 Collins Road  
Boise, ID 83702

Dear Mr. Bibles:

Thank you for the courtesy in extending the period of time for comments on the Environmental Impact Statement on the proposed Birds of Prey Expansion Area.

I am opposed to the expansion. I can find no proof that the expansion is vital to the survival of the birds. Ninety percent of the people who live in the area oppose the expansion. They question, as I do, the need for this much land because we have all seen the birds ranging far outside the proposed expansion area hunting prey, and finding it.

The ranchers and farmers in the proposed expansion area are proud of the raptor population and have lived in harmony with it for many decades. They would do nothing to harm the birds. They were totally in favor of the creation of the present Birds of Prey area. But they are not convinced, as I am not convinced, that there is a need to expand beyond that current acreage.

The private land owners in the proposed expansion area have concerns. They don't know what restrictions will be placed on the use of their own land. At the present time, airplanes are not permitted to fly lower than fifteen hundred feet. If this carries over, it would stop aerial spraying activities within the area.

Will the federal government tell the private land owner what crops he can plant; what animals he can raise; how he is to manage his own land simply because it has been included in a block of land set aside for the protection of a few hundred birds who inhabit the area for only a few months of the year? They don't know.

## IDAHO MINING

P. O. Box 1738  
408 Simplot Building



## ASSOCIATION

Boise, Idaho 83701  
Telephone 208/342-0031

September 14, 1979

Mr. H. Dean Bibles  
District Manager  
Bureau of Land Management  
230 Collins Road  
Boise, Idaho 83702

Dear Dean,

The Idaho Mining Association, which represents virtually all of the mineral exploration, mining and mineral processing operations in the state, wishes to submit the following comments and suggestions regarding the proposed establishment of a substantially enlarged Snake River Birds of Prey Conservation Area incorporating approximately 720,000 acres of federal, state and private lands in portions of Ada, Canyon, Elmore and Owyhee counties in southwestern Idaho.

We have reviewed the draft environmental statement quite thoroughly and have found substantial cause for grave reservations and concern about this proposal.

We have no quarrel with the concept of providing special protection for birds of prey in areas of favorable habitat and we did not oppose the withdrawal and designation of the original 32,000-acre Snake River Birds of Prey Natural Area in 1971 because it was a relatively small area and did not seriously impact or interfere with other resource development and use.

This proposal for a more-than-20-fold enlargement of the area, however, is a "bird of a different color" because it would seriously impede and even prevent the development and use of the area's other land and water resources, including minerals, energy fuels and hydro-power.

The draft ES is replete with assurances that some of the present uses of the lands - military maneuvers, grazing, recreation, etc. - would continue under a long-range multiple-use and sustained-yield concept. What must be borne in mind constantly, however, is that this continued use is conditioned on its impact on raptor population and habitat. For example, the ES states on page 3-11 that military activities within the proposed Conservation Area "would continue into the foreseeable future," but on page 2-53 we find that such activities will be curtailed or otherwise modified if found to be detrimental to the birds of prey. Similarly, the ES indicates



that proposed action would not affect the present levels of 65,000 AUM's in grazing privileges, but we find on page 1-5 that future grazing permits will have to include stipulations deemed necessary not only to maintain raptor habitat but also to protect "scenic, scientific and environmental" values. Continued recreation activities will also be more strictly regulated through access and "people" controls and law enforcement.

We are particularly disturbed by the casual consideration given to subsurface resources - minerals and energy fuels - in the development of this proposal. According to the ES, the information in the text on these resources was based largely on a USGS Mineral Report which was prepared in just a few weeks and a BLM mineral report which was still under preparation when the ES was written.

The BLM proposal would specifically prohibit mineral entry, location and patent under the 1872 Mining Law, subject to existing valid rights, and provide for future disposal of locatable minerals in this area only by lease by the Secretary of the Interior.

We have not seen a copy of the draft legislation designed to implement the BLM proposal but we understand it would add a new section 604 to the Federal Land Policy and Minerals Act of 1976, and that this section would include the following provision with respect to minerals:

"Sec. 604 (f) (1). Subject to valid existing rights, the Snake River Birds of Prey Conservation Area is withdrawn from operation of the Mining Law of 1872, as amended and supplemented (30 U.S.C. 22 et seq.), and mineral exploration and development under that Act and regulations thereunder are prohibited. Minerals that would otherwise be subject to disposal under the Mining Law of 1872 or any law applicable to such minerals in the future may be disposed of only by lease by the Secretary. Such leases, as well as leases issued under the Mineral Leasing Act of 1920 (30 U.S.C. 181 et seq.) or the Acquired Lands Mineral Leasing Act (30 U.S.C. 351 et seq.) shall contain such stipulations and conditions as the Secretary deems necessary to protect the raptor habitat, and scenic, scientific, and environmental values of the public lands of the Snake River Birds of Prey Conservation Area against undue impairment and to assure maintenance of the quality of the streams and waters within the Area." (Underlines added.)

This provision is particularly objectionable to the mining industry because it would establish a "foot-in-the-door" precedent for placing locatable minerals under a leasing procedure, and it would do so in legislation which does not involve mineral resources except in a very minor, peripheral way, and in an area where locatable

mineral resources have not been found in significant quantities.

The mining industry is vigorously opposed to the replacement of the present general mining law with a leasing statute. Such a change was presented to and rejected by the previous Congress and the issue has not been raised in the current session for lack of support. It should not be introduced as a back-door precedent in the BLM's birds of prey proposal.

The underlined portion of the above-quoted provision is also of serious concern to our industry, because this language opens the door to challenge and endless litigation over questions involving the Secretary of Interior's judgment as to the stipulations he deems necessary "to protect the raptor habitat and the scenic, scientific and environmental value of the public lands....against undue impairment ... Such language is made to order for environmental and no-growth zealots who seek to prevent the issuance and development of any lease in that area - mineral, oil and gas or geothermal - whether it has the approval of the Secretary or not. And they have proved through RARE I, NEPA and other similar devices that they can prevail in their objective through administrative procedures and the courts.

We believe this entire BLM proposal is fatally flawed because, in giving statutory priority to raptor management, it severely limits and diminishes the Secretary's authority to manage the other resources and, in effect, sacrifices all of them, including stock forage, to the whim and fancy of raptor devotees.

It is our recommendation that no action be taken on this proposal at this time and that the entire area continue to be managed like other BLM land under a long-range multiple-use and sustained-yield management plan. The single-purpose focus of the draft environmental statement leaves much to be desired in its appraisal of resources other than raptor habitat and leaves unanswered a great many questions such as:

Why is the conversion of a limited additional acreage to farm land expected to have all sorts of negative impacts on birds of prey even though the 150,000+ acres currently being farmed have not had such effects? and

Why does the highest density of birds of prey nests coincide so closely with man-made installations (Swan Falls and C.J. Strike dams and reservoirs)?

Until the answer to these and many other similar questions are answered and additional information on this area's other resources is provided, we believe that any effort to enact this proposal would be premature and not in the best public interest.

Very truly yours,

*A. J. Teske*  
A. J. Teske  
Executive Secretary

ANDERSON, KAUFMAN, ANDERSON AND RINGERT  
CHARTERED  
LAWYERS

EUGENE H. ANDERSON (1902-1972)  
SAMUEL KAUFMAN  
RICHARD ANDERSON  
WILLIAM F. RINGERT  
D. BLAIR CLARK  
ANDREW H. HARRINGTON  
JEFFREY R. CHRISTENSEN  
JAMES P. KAUFMAN

IDAHOO BUILDING  
BOISE, IDAHO 83701

AREA CODE 208  
TELEPHONE 342-4591  
POST OFFICE BOX 2753

September 14, 1979

Bureau of Land Management  
Boise District Office  
230 Collins Road  
Boise, Idaho 83702

Re: Snake River Birds of Prey Environmental Statement

Gentlemen:

This supplements my oral testimony given at the hearing held in Boise early last month.

Although lengthy studies were conducted at a reported cost of \$800,000.00, the draft statement is practically devoid of objective and quantitative data, and the statement is really basically only argument by BLM personnel who obviously favor creation of the Birds of Prey study area. The lack of objective and quantitative data suggests that the data gathered does not support the conclusions and arguments set forth in the statement.

It would have been very helpful, and probably very enlightening, to see the data supporting the conclusion that birds of prey and irrigated agriculture are absolutely incompatible and the conclusion that significant numbers of the birds of prey from the present Natural Area forage into the portions of the proposed study area in Ranges 7 and 8 East, which include numerous and substantial areas of irrigated agricultural development.

The creation of this study area must be very important to the BLM for it to do such a thorough job of publicly discrediting irrigated agriculture and creating an atmosphere of competition between irrigated agriculture and livestock range users. It would lend a little objectivity to the draft statement to show that irrigated farms serve as base property for nearly all livestock grazing operations on the federal range in Idaho, and that most of the 66 range users in the proposed study area are themselves irrigators and farmers.

Bureau of Land Management

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The statement furnishes no basis whatsoever for anyone to determine what criteria were used in determining which lands should be included in the proposed study area. I can find no data to indicate for any particular area within the proposed boundaries the numbers of birds present, either nesting or foraging, the frequency of their foraging trips into any particular area, the number and types of squirrels or other sources of food in any particular area or the times of the year that the raptors forage in any particular area.

Aside from the general considerations, I am particularly concerned about the lack of any data supporting the proposal to include Sections 24 and 25 in Township 5 South, Range 8 East, B.M., within the study area. It seems to me that the county road from Hammett to Bennett Mountain, or an arbitrary line to the west of that road, would be just as logical a location for the eastern boundary of the proposed study area, particularly since approximately 260 acres of land in Sections 24 and 25 was placed under irrigation this year and will be permanently farmed.

The inclusion of these lands lends a lot of support to Lieutenant Governor Batt's conclusion that the real purpose of the proposed study area is to eliminate from that area the possibility of any desert entry or Carey Act development. The proposed boundary certainly eliminates 320 acres from our proposed Cold Springs Carey Act project.

In closing, I want to reiterate what I said at the Boise hearing to the effect that the Department of the Interior already possesses adequate authority to accomplish nearly all the objectives cited in the draft statement, without the necessity of locking up this resource in a manner that will cost the federal taxpayers unwarranted amounts of money and will create significant problems for those entities, governmental and private, and those persons, who have a genuine need for certain uses of land within the proposed study area.

Yours very truly,

*W. F. Ringert*  
W. F. Ringert

WFR:am



September 13, 1979

Gordon Tate  
P.O. Box 367  
Meridian, ID 83642

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I should like to make a few comments in opposition to expending the Birds of Prey Area by some 515,000 acres.

1. There is no evidence submitted in the EIS that the land now farmed in the area has been detrimental to the Birds of Prey. On the contrary, the bird population has increased while this increase in farming has occurred. Much is said of the dangers of bad, or dry years, but on 2-18, they say that in the dry year of 1977 only the few squirrels who had access to green feed on irrigated alfalfa fields survived and reproduced. This is evidence that a limited increase in farming, such as is now being sought under the Carey and Desert Entry Acts, would actually be beneficial to the Birds of Prey.

2. Much has been made of the use of this area for winter range for livestock, and how certain ranchers depend on it. Now, in the grazing reviews, or EIS's for other BLM land that are being made, cuts in grazing vary from 24 to 63% and in some cases 70%. In this area, they will certainly be as great or greater, because any overgrazing would destroy both the food and cover for the Townsend ground squirrel.

It would appear that much of the "winter fat" or white sage, is not in the area most likely to be irrigated, since it is along what appears to be the shallower soils nearer the canyon rim. Here again, any real assessment cannot be made without some sort of soils map which is conspicuously lacking in the EIS.

3. The whole exercise has some appearance of an attempt to stop or nullify the 196 applications for development now reported to be under consideration in the general area.

*Gordon Tate*

a.

new requirements for food and fiber take many years, often several tens of years, before the first crop is taken from the land. It has often been said that the world does not have a food surplus but only a transportation problem. This is obviously evident in reviewing the plight of the third world nations where famine is commonplace.

We must not foreclose our options in the development of new agricultural lands and the utilization of our water resources. I would say, in general, we do not oppose the protection of the raptors of Idaho nor are we in opposition to environmental protection. However, we do feel that this proposal and the draft EIS has serious deficiencies and many additional alternatives should be evaluated before any recommendation is made to Congress. For example, the draft EIS indicates that farming would be detrimental to the raptors within the boundaries of the Birds of Prey Natural Area. While so-called clean farming may be detrimental, one can commonly observe large concentrations of raptors in other areas of the northwest where irrigated agriculture has developed in a checkerboard pattern with some of the public lands being left in a natural condition. The Burns area in Oregon is one example of such development. In this area, agricultural development and environmental protection go hand in hand. I find no consideration of such an alternative in the draft EIS.

b.

An additional issue of concern is that the draft EIS and suggested provisions for inclusions of a Birds of Prey National Conservation Area Bill recommend that provisions be included to sustain existing flows of the Snake River through the Birds of Prey area. Additional provisions indicated that "no federal funds, guarantee, license approval, project, program, or activity of any description that would affect the lands, waters, or other resources located within the area would be allowed, if, in the judgement of the Secretary, it would be inconsistent with the management of the area for the purposes and policies of the bill." This appears to be merely one more step by the Federal Government to implement federal policy over the State water resource program. We have developed, over the past fifteen years, a comprehensive State Water Plan which provides for the utilization and conservation of our water resources. Any recommendation to Congress or modification of the draft EIS should recognize primacy of that State Water Plan and the authority of the State to implement water allocation procedures.

Summarizing my remarks, we feel the draft EIS is deficient in its consideration of alternative plans for agricultural development, its lack of consideration for existing Carey Act and Desert Land Entry applications, its assumptions of the costs of new agricultural development, the implication that farm surpluses are a long term trend and

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Representing Over 2,700,000 Acres of Irrigated Land

## Idaho Water Users Association, Inc.

AFFILIATED WITH NATIONAL WATER RESOURCES ASSOCIATION  
4706 FAIRVIEW AVE. BOISE, IDAHO 83704

TELEPHONE 376-6131

SHERL L. CHAPMAN  
Executive Director

September 13, 1979

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Mr. Dean Bibles, District Manager  
Bureau of Land Management  
230 Collins Road  
Boise, Idaho 83702

Dear Mr. Bibles:

Please accept this written testimony in behalf of the Idaho Water Users Association on the draft environmental impact statement on Establishment of the Snake River Birds of Prey National Conservation Area, Idaho. Our organization's board of directors has reviewed the draft environmental impact statement in behalf of our members who are the owners or operators of more than 2-3/4 million acres of irrigated land in Idaho. We find the draft statement lacking in several areas, especially in consideration of the future of agricultural development in this area.

The draft EIS discusses the potential addition of 515,000 acres of desert land to the existing 31,000 acre Birds of Prey Natural Area established in 1971. This massive addition includes 182,500 acres of Class I land of which approximately 64,000 acres are included in Carey Act or Desert Land Entry applications. The EIS indicates that the cost of developing these lands are prohibitive and would require massive subsidies by existing power consumers. Additionally, discussions of farm commodity surpluses imply that new lands are not necessary or viable under present economic conditions. While this may be true under existing conditions, it should be pointed out that many new schemes of providing water to arable lands included in the designation are now being considered, many of which are less expensive and much more viable than present considerations. Additionally, as I am sure you are well aware, farm surpluses are short term trends and often reverse in one or two years. Planning and development of agricultural lands to meet

Mr. Dean Bibles  
September 13, 1979  
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will continue to depress the agricultural community, and its presumption that Snake River flows should be sustained at their present level to maintain additional species of animals besides the raptors. We would suggest that a comprehensive review of the draft EIS and inclusion of these factors and other considerations recommended by testimony be included in the final environmental impact statement. We would also state at this time that we will fight any provision to modify, through federal intervention, the State's right to utilize or conserve the water resources in the Snake River basin.

Thank you for the opportunity to provide this testimony to your office on this important issue.

Sincerely yours,

*Sherl L. Chapman*  
Sherl L. Chapman  
Executive Director

SLC:kje



TESTIMONY BY THE IDAHO FARM BUREAU FEDERATION  
BEFORE  
THE BUREAU OF LAND MANAGEMENT  
ON  
THE PROPOSED BIRDS OF PREY NATIONAL CONSERVATION AREA

PRESENTED BY  
OSCAR FIELD

Boise, Idaho

August 2, 1979

Judge Rampton:

I am Oscar Field, president of the Idaho Farm Bureau Federation. The Farm Bureau is the largest general farm organization in the State representing over 20,000 member families in 39 county Farm Bureaus.

The Farm Bureau does not take exception to the contention by the BLM that the area under study contains nesting and hunting habitat for the largest concentration of raptors found anywhere in the world, nor with the contention that this resource should be afforded some protection.

However, in this world where our land base is our limiting factor it is not practical to manage vast quantities of our land for the maximum production of a narrow spectrum of outputs. Especially in the West, where the federal government owns an overwhelming majority of that land base, is it imperative, in order to meet the needs and desires of all of our citizens, that the land be managed for optimum production of a broad spectrum of outputs.

What Farm Bureau takes exception to is the increasing tendency of our federal land management agencies toward managing vast areas of our public domain for the maximum production of a very narrow spectrum of outputs.

Judge Rampton, this country is in trouble. It is experiencing serious economic difficulties. And our economic ills are directly related to the drastic downturn of productivity we have experienced over the last few years.

The public domain constitutes approximately 1/3 of the total land base of

The current population is significantly less than during the inventory period and there is no assurance the population will ever regain their target levels regardless of what actions are taken.

In this section dealing with Administration and Management on pg 1-10: The use of the Endangered Species Act in relationship to the proposed Conservation Area is intentionally misleading to the public. The peregrine falcon and bald eagle are the only ones listed as threatened or endangered and by BLM's own admission, there are no peregrine falcons or bald eagles nesting in the Area, nor is the Area in any way significant to the continued existence of these two species. All references in the EIS that infer that the proposed Conservation Area is significant to these two species should be taken out. If the Area has any significance for the osprey, white sturgeon, merlin, bobcat, river otter or spotted bat, they are already protected by the present Natural Area.

Pg 1-14 Fish And Wildlife Service (FWS) - This paragraph should be eliminated as it is misleading to the public.

Pg 1-16 The Peregrine Fund, Inc. - This paragraph should be revised and updated to indicate that the transplant program has failed, that there are no peregrine falcons nesting in or inhabiting the Area, and that the Area cannot be considered significant to the existence of the species.

## CHAPTER 2 - DESCRIPTION OF THE ENVIRONMENT

### Wildlife

The Origin Of A Rich Wildlife Habitat - In this section a phenomenon that is eluded to, but not explored, is the fact that the concentrations of nesting raptors is much greater on the east and west ends of the study area and very light in the middle. Is it only coincidental that the ends of the study area are adjacent to irrigated agricultural lands and the middle is where the great expanse of unbroken desert ground lies?

Testimony - Proposed Birds of Prey  
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the United States and contains over 50% of the total natural resource base this country needs to maintain its economic health, yet it contributes less than 10% of the actual production.

Agriculture has always been the backbone of this country's economic strength because it is far and away the most productive segment of our total economy.

Idaho's citizens, through two of the most extensive public input and involvement programs ever undertaken in Idaho, the State Water Plan and the Idaho's Tomorrow program, overwhelmingly stated their desire for agriculture to maintain its prominence and position as the dominant segment of Idaho's economy. With well over 6,000 acres of agricultural lands in Idaho being taken out of production each year and since the federal government owns virtually all of the lands that have the potential to replace those lands, it is imperative that federally-owned desert lands continue to be available for development for agricultural purposes in order for Idaho agriculture to meet the needs and desires of Idaho's citizens.

The following is a more detailed accounting of changes I believe need to be made in the EIS in order to present a more balanced and objective picture of the total situation as it relates to the proposed Conservation Area.

### CHAPTER 1 - PROPOSED ACTION

In the section dealing with the objectives of the Proposed Action, pg 1-5;

- If the objective is to maintain a complete ecosystem of desert, river and volcanic cliff, why were the boundaries extended to take in so much agricultural land?
- The objectives relate back to what I said earlier; management to maximize a single use with all other uses subordinate to it.
- The objectives are unrealistic from the standpoint that we have no way of knowing whether the raptor population levels recorded during the 1976-78 research period represented a long-term stable population level or whether it represented a peak of a natural population cycle.

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On pg 2-18 of the section dealing with Prairie Falcon Ecology there is reference made to the fact that during the drought years of 1977 "only the few squirrels with access to green vegetation, such as irrigated alfalfa fields, reproduced". This is a very significant fact yet receives no further consideration. The ramifications of this occurrence needs to be fully explored.

Pg 2-21 - Sensitive, Threatened, or Endangered Wildlife - This section needs to be completely revised as indicated before to eliminate statements that are misleading to the public.

- Update the discussion on the peregrine falcon experiment to indicate its failure.
- Eliminate the peregrine falcon and bald eagle from the drawings of raptors nesting in the proposed Conservation Area.

Pg 2-35 - Recreation - It should be pointed out in this section that the vast majority of the recreational use of the area is related either to the Bruneau Sand Dunes or to irrigation and energy development projects; i.e. C.J. Strike and Swan Falls.

It should also be pointed out that the majority of the bird watching activity takes place from the Idaho Power compound at Swan Falls.

The last sentence on pg 2-42 in the section dealing with Agriculture should be deleted since there are no such things as "national agricultural production policies".

Description of the Future Environment without the Proposed Action - this whole section should be eliminated. It is completely unnecessary to have these discussions at this point and the same discussions in the "No Action" alternative.

### CHAPTER 3 - ENVIRONMENTAL IMPACTS OF THE PROPOSED ACTION

Introduction: - The discussion on the impacts of the proposed action should be revised as follows:



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The impact on scenic and visual resources is a matter of opinion. Many people perceive irrigated agricultural lands as more esthetically pleasing than the arid desert lands. The statement that "Quality and quantity of recreational and visual opportunities would be degraded" is biased, not necessarily accurate and should be deleted.

#### Impact On Socio-Economics

This section needs to be completely redone. It is unobjective, doesn't consider all the alternatives, is based only on current economic condition rather than taking into account that economic conditions change and assumes that all the land would be put into production almost immediately rather than slowly over approximately 30 years which is called for in the State Water Plan.

In conclusion, Farm Bureau does not deny that the proposal could accomplish its objectives, however, the EIS completely ignores consideration of alternatives that could also accomplish the objectives with less adverse economic and social impacts.

It is totally unrealistic to not include for consideration, an alternative calling for planned, coordinated development of much of the developable land in a manner that:

- would accomplish the State Water Plan's goals of maintaining Idaho agriculture's position in the market place and maintain agriculture as the dominant industry in the State.
- would not hamstring the future economic growth of Ada, Elmore and Owyhee counties
- would provide for future agricultural development in the Area in a manner that not only would allow for maintenance (and probably enhancement) of the birds of prey populations, but would also provide for greatly increased opportunities for development of habitat for other kinds of wildlife that happen to be held in very high regard by the majority of Idahoans and are especially needed in the Treasure Valley area.

Dean Bibles, District Manager  
Boise District Office  
Bureau of Land Management  
230 Collins Road  
Boise, Idaho 83702

Dear Mr. Bibles:

The BLM staff members, who were responsible for the original Birds of Prey Natural Area, acted with considerable vision for the future. National and international recognition by numerous visiting scientists in recent years reflects the wisdom of these pioneering efforts to preserve a unique ecosystem and rare species habitat in Idaho. The private sector responses to the Birds of Prey by conservationists and naturalists also have been impressive. Many local organizations such as the American Association of University Women and the Idaho Native Plant Society make use of the Study Area for educational field trips. The Nature Conservancy's project to purchase private land adjacent to the original Birds of Prey Natural Area further illustrates the extent of national concern for this valuable resource. The popularity of documentaries on the Birds of Prey Study Area also indicates a high level of concern among the American public.

The Birds of Prey Study Area provides both year round and seasonal habitat for wildlife species such as golden eagles, bald eagles, hawks, peregrine falcons, osprey, river otters, spotted bats and bob cats, many of which are included on the Federal List of threatened and endangered species or have been designated by other public resource protection agencies as in need of special management procedures.

Continued research in the Birds of Prey Study Area has revealed the existence of other rare species in this ecosystem. The following rare plants are known to occur within the boundaries of the Study Area:

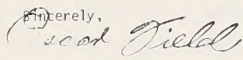
Lepidium davisii  
Penstemon perpulcher  
Eriogonum shockleyi  
Astragalus purshii var. ophiogenes  
Mentzelia torreyi var. acerosa

Several additional rare plants, which are vulnerable to extinction from development of desert land in the Snake River plains of Southwestern Idaho may also benefit from the expansion of the Birds of Prey Natural Area:

Astragalus camptopus  
Astragalus mulfordiae  
Eriogonum ochrocephalum var. sceptrum

Native vegetation outside the Birds of Prey Study Area on the Snake River plains has been evaluated as relatively poor. (BLM, Boise District Agricultural Development Draft Environmental Statement for Southwest Idaho, 1979, p.2-25.) A stable vegetation cover is required for insuring an adequate population of Townsend ground squirrels, jack rabbits and other small rodents, which comprise the primary food supply for the raptors. Thorough monitoring of the raptors has led to the discovery that the birds seek food far beyond the boundaries of the 26,000 acre original Natural Area, thus expansion of protected lands for the raptors will need to comprise at least 700,000 acres to insure adequate habitat.

It is my hope that these comments will be given careful consideration in formulating the final EIS for the proposed Birds of Prey National Conservation Area.

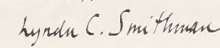
Sincerely,  
  
Oscar Field  
President  
Idaho Farm Bureau Federation

Maintaining a stable vegetation cover of native shrubs, grasses and forbs will enhance traditional use of the Birds of Prey area by private citizens. The unusually extensive and healthy stand of Winter Fat, Eurotia lanata, which is present in the Birds of Prey Study Area is highly coveted by the grazing industry. Reasonable amounts of grazing within the Birds of Prey Study Area appear not to have caused adverse impacts. Thus, expanding the boundaries of the Natural Area will not exclude private use of these public lands, as well managed grazing appears to be compatible with protection of the raptors. Some members of Idaho's grazing industry believe that extension of the Birds of Prey Natural Area is essential for the preservation of grazing land, as so much of the desert in Southwestern Idaho has been converted to cropland or construction sites.

Land development for crops or for construction within the Birds of Prey Study Area would cause irreversible damage to this unique ecosystem. Disturbance of native vegetation cover endangers the raptors by disrupting the food supply. Desert development would also have adverse impacts on the rare species of plants within the Study Area. Scientists, economist and public officials do not yet have the methodology and data to determine the economic impact of damage to plant and animal life. (U.S. Dept. of Commerce, A Framework for Planning U.S. Federal Statistics for the 1980's, July, 1978, p.203.) Until such data are available for public review, conversion of public resources for private cropland or construction should be approached very cautiously. The resulting environmental damage from such conversion may be too costly to be a viable alternative for the disposition of public lands.

I support the proposed expansion of the Birds of Prey Natural Area. Protecting these 700,000 acres will preserve the integrity of this unique ecosystem, the value of which contemporary man is just beginning to understand, and insure that future generations can enjoy the richness of our Southwestern Idaho desert heritage.

Sincerely,

  
Lynda C. Smithman

cc: Secretary Cecil Andrus  
Governor John Evans  
Lt. Governor Phil Batt  
Secretary of State Pete Cenarrusa  
Auditor Joe Williams  
Attorney General David Leroy  
Superintendent Jerry Evans  
Senator Frank Church  
Senator James McClure  
Representative Steve Symms  
Representative George Hansen



Negative Impacts - 2) increase in visitor use should not be listed or discussed as an impact of the proposed action since the projected increase in visitor use of the Area will occur completely independent of the proposed action. If anything the proposed action will have a depressing effect on the projected increase in visitor use due to the restrictions placed on the use of the Area by the Conservation Area management plan. The fact that increased use of the Area is listed as a negative impact indicates that the BLM will try to restrict use.

All references in the EIS stating or inferring that the proposed action will be responsible for increased visitor use of the Area should be revised or eliminated.

The following negative impacts should be added to the list:

- 4) loss of opportunity for improved habitat development for Pheasants, Hungarian Partridge, Quail and Water Fowl.
- 5) loss of future economic growth to Ada, Elmore and Owyhee counties associated with agricultural developments.
- 6) loss of opportunity for additional hydroelectric energy production associated with the Swan Falls-Guffey project.
- 7) loss of additional recreation opportunities associated with the proposed Swan Falls-Guffey project; mainly fishing.

#### Impact on Water Resources and Fisheries

- discuss lost opportunity to develop a significantly improved fishery associated with proposed Swan Falls- Guffey project.
- eliminate reference indicating proposed action would increase recreational use of Area.

#### Impact On Wildlife

- this action should contain a discussion of the Idaho Wildlife Tomorrow program
- Eliminate reference to endangered species inhabiting Area.

- eliminate reference indicating proposed action would increase public use of Area.

#### Impact On Cultural Resources

- eliminate reference indicating proposed action would increase visitor use of Area

#### Impact On Socio-Economics

This section is completely inadequate. There must be an extensive discussion of the social and economical impacts of the proposed action, including all of the foregone social and economic opportunities, such as:

- lost direct and indirect economic opportunities associated with agricultural development
- lost potential hydro-electric development
- probable reduction in mineral and potential gas and oil development
- probable decreased economic opportunities on intermingled state and private lands
- loss of potential increased recreational opportunities associated with gamebird habitat development and the proposed Swan Falls-Guffey project

#### CHAPTER 4 - MITIGATION MEASURES

The same changes suggested for the "Introduction" of the "Environmental Impacts Of The Proposed Action" should be made at the beginning of this chapter.

This chapter should include a discussion of the 3 million acres of land granted to the State of Idaho by the Federal government for Carey Act development. Included should be the fact that without the developable lands within the Birds of Prey Study Area, there aren't enough lands in Idaho with agricultural development potential (water and land) to fulfill the Carey Act grant.

Discussion on mitigating the effects of increased "people use" of the area should be eliminated since the projected increased use is not a result of the proposed action.

#### CHAPTER 5 - UNAVOIDABLE ADVERSE IMPACTS

- eliminate reference indicating increased public use will result from the proposed action

#### CHAPTER 6 - RELATIONSHIP BETWEEN LOCAL SHORT-TERM USES OF MAN'S ENVIRONMENT AND MAINTENANCE AND ENHANCEMENT OF LONG-TERM PRODUCTIVITY

This chapter contains the most blatantly irresponsible and indefensible statements of the entire EIS. Categorizing the loss of farming potential as a "relatively short-term trade-off" is incomprehensible. Farming is as much a long-term productive use of the land as there is. In reality there probably are no significant short-term trade-offs involved, only long-term trade-offs.

#### CHAPTER 8 - ALTERNATIVES TO THE PROPOSED ACTION

Alternative A - no action

In the assumptions on pg 8-4 at least two changes should be made:

- 4) it should be assumed that the agricultural development will take place over an approximate 30-year period. This is in accordance with the Idaho State Water Plan.

- 7) adequate erosion controls would be implemented due to the state's 208 Non-point Source Agriculture Pollution Abatement Plan.

#### Impact On Water Resources and Fisheries

This section doesn't take into consideration the State's 208 Non-Point Source Agriculture Pollution Abatement Plan that is being developed. Any agricultural development would be in accordance with this plan and would not be allowed to have any significant adverse impact on water quality. The State Water Plan should also be discussed here in relation to its requirements that the state's water resources

be developed in a manner that takes into consideration potential impacts on fish and wildlife and water quality.

#### Impact On Wildlife

Prey Base - neither in this section nor anywhere else in the EIS is it mentioned that Townsends Ground Squirrels are colonizers. Rather than their populations being spread uniformly over the land as the EIS would lead you to believe, they are characterized by dense, localized populations. What this means is that the vast majority of the Area that is supposed to be so critical to the Townsend's Ground Squirrel actually contains no ground squirrels at all. The ramifications of this phenomenon needs to be fully explored before flat statements are made about agricultural developments effect on ground squirrel populations.

#### Sensitive, Threatened, or Endangered Wildlife

Any discussions contained here indicating that the proposed Conservation Area is significant to the peregrine falcon or bald eagle should be eliminated.

#### General Consideration

All references in this section linking pesticides with decreased raptor reproductive success should be eliminated. The research reports cited have been completely discredited by the scientific community and there is no scientific basis for making these statements. Enclosed is a statement by a leading Entomologist refuting Hickey's and others efforts to implicate organochlorine pesticides.

#### Impact On Recreation

The statement that up to 40 percent of the public land in the proposed Conservation Area "could be lost to public recreational use" is false. The type of use on lands converted to agricultural use would change but would not be lost. The amount of recreational use from hunting on these developed lands would probably exceed the total recreational use these same public lands now receive.



establish that the Draft Environmental Impact Statement was not designed to comply with the requirements of the National Environmental Policy Act. 43 U.S.C. Section 4321 et. seq. Contrary to law, the documents and study as presented by the Department of the Interior regarding the Birds of Prey Area are in fact part of a well orchestrated publicity campaign to gain support for the proposed legislation. At the same time, contrary to law, the procedures and timeframes in support of the proposal were carefully orchestrated to limit, as much as possible, any searching discussion regarding the Birds of Prey Area.

Even given the insufficient time available for study, the following flaws are evident in the Draft Environmental Impact Statement:

#### SUMMARY OF SERIOUS FLAWS IN DES

- a. 1. The Birds of Prey Draft Environmental Impact Statement reaches a deliberately predetermined result and therefore is not an unbiased analysis of the area.
- b. 2. The Draft Environmental Impact Statement makes no effort to consider any methods by which potential future agriculture development in the area can be accommodated in the Birds of Prey Area. The entire tenor of the underlined comments from the attached government documents is to forever preclude agriculture from the area.
- c. 3. The Birds of Prey DES was rushed through the BLM in an apparent attempt to avoid any serious or dissenting internal comment on the statement.
- d. 4. The federal government did not tell the state the full story on the Birds of Prey.
- e. 5. The Birds of Prey Study ignores the very real potential for oil and gas discoveries in that area.
- f. 6. The Birds of Prey Draft study inadequately discusses the potential for geothermal resource development in that area.
- g. 7. The Birds of Prey Study inadequately discusses the potential for mineral development in that area.
8. The Draft Environmental Impact Statement appears to have been timed and used as part of a well orchestrated publicity plan designed to gain political support for the proposed Birds of Prey Area.

2.

- h. 9. The Draft Environmental Impact Statement appears to be an effort to inappropriately deny to the State of Idaho potential Carey Act and Desert Land Entries in that area.
10. Internal documents of the Department of Interior indicate that there is no need for the extremely short periods of time allowed for comment on the Draft Environmental Impact Statement other than an artificially created attempt to rush the statement through at an opportune time.
- i. 11. In the Department of the Interior's documents, the Boise Agricultural District Environmental Impact Statement is conceived of and used as an instrument of public counter-reaction to build up support among the farming community for the Birds of Prey Environmental Impact Statement. This abuse of the Environmental Impact Statement process is harmful to the public in that it brings into question the integrity of this tool for making objective decisions about protecting the environment.

#### CONCLUSION

The following analysis amply demonstrates that the integrity of the Birds of Prey Environmental Impact Statement process has been abused and is therefore legally questionable. While the scientific and technical aspects of this study are valuable and unique, politics have apparently tainted the process. The situation as structured by the BLM the Department of the Interior makes it difficult, if not impossible, for the State of Idaho to meaningfully participate in a mutual resolution of the proper future uses for this area of valuable natural resources.

#### RECOMMENDATIONS

Fortunately, in our opinion as State officials, swift and proper remedial action jointly taken by Idaho and the federal government may partially revalidate and legally save the study. It is therefore recommended:

- A. That the secretary postpone introduction of the Birds of Prey legislation.
- B. That a joint state and federal task force be formed with the object of studying objectively and carefully all alternatives for the Birds of Prey Area.

3.

C. That funding, if necessary, be made available to the State for the hiring of independent experts to work on this project.

D. That the record remain open on the Birds of Prey Environmental Impact Statement and that the Land Board be permitted sufficient time to conduct public hearings regarding Carey Act Lands, Desert Land Entries, oil and gas leases, energy and grazing in this area and that those hearings be made a part of the federal record.

E. That any additional studies done regarding the Birds of Prey Area by the Department of the Interior be done by independent experts selected by both the state and the federal governments.

Unfortunately these remedial actions are necessary for reaching a sound and well-thought-out result. This decision is too important to be rushed through without any meaningful opportunity for the public and the State of Idaho to make a searching and thorough inquiry as to the alternatives available.

#### COMMENTS AND ANALYSIS OF DES

The United States Department of the Interior and the United States Department of Agriculture are engaged in long term studies and planning for public lands in Idaho. This environmental impact statement is part of that on-going process. The short time constraints provided for in this statement, when coupled with the importance and complexity of the proposed action, placed the members of the State Land Board and their constituency, the Idaho citizen at a disadvantage. The disadvantage simply stated is that the proposal of the Department of the Interior seeks much from the citizens of Idaho while denying them any meaningful opportunity to participate.

Preliminary field investigations of the Idaho Attorney General's Office along with information and documents obtained through a Freedom of Information Act request to the Department of the Interior have called this Environmental Impact Statement process into question.

4.

I.

INTERNAL DOCUMENTS OF THE DEPARTMENT OF THE INTERIOR REVEAL THAT THE RESULTS OF THE BIRDS OF PREY ENVIRONMENTAL IMPACT STUDY WERE TO A LARGE EXTENT PREDETERMINED.

The National Environmental Policy Act (NEPA) 43 U.S.C. Section 4321 et. seq. under which this Draft Environmental Impact Statement is prepared requires agencies to gather and use environmental information. Under NEPA, one-sided data is forbidden and is subject to court scrutiny. *Sierra Club v. Froehle*, 359 F. Supp. 1289 (SD Texas 1973). The proper purpose of an environmental impact statement is not to justify procedures or policies of the government, but to obtain and present fairly information for the decision makers and the public. Documents received from the Department of Interior cast doubt upon the integrity of the process. As early as July 14, 1977, John D. Hough advised the Secretary (Attachment A) on how to achieve the predetermined result of locking up Birds of Prey at the expense of any potential future agricultural development. In the bluntest of terms, the techniques for avoiding the Carey Act selection and Desert Entry Lands selections are analyzed. The letter states:

... and, current energy and water shortages have diminished the thrust for agricultural entry on the land, creating an opportune climate for action now. at page 2 (Emphasis added).

It is important to note that the Secretary of the Interior himself signed off on the memorandum by stating "I agree - Dan is familiar with the problem and the solution". (at Page 3). It is not surprising, given this strategy that the Draft Environmental Impact Statement contains "analysis" of the high energy costs of irrigated agriculture. (DES B-21,22) In fact, the supposedly objective Promotional Brochure contains and makes a point of discussing energy costs.

An issue paper of the Department of Interior (Attachment B) dated September 20, 1977, discusses in detail various techniques for expanding the Birds of Prey Area and for limiting agriculture. No search and discussion of the merits is contained here. It is simply a document on how to obtain a final predetermined result and justify a policy of Interior which had already been established. For instance, one alternative discussed in this statement:

5.





# SOIL CONSERVATION SOCIETY OF AMERICA

IOAHO CHAPTER

Dean Bibles  
District Manager  
Bureau of Land Management  
230 Collins Road  
Boise, Idaho 83701

Dear Mr. Bibles:

The Idaho Chapter of the Soil Conservation Society of America held no regular business meetings during the summer and we missed participating in the reviews of the draft environmental statement on enlargement of the Snake River Birds of Prey National Conservation Area. We strongly supported the establishment of the Birds of Prey Area in 1971. The Committee has studied the Department of Interior Draft Environmental Statement of the Snake River Birds of Prey National Conservation Area. We agree that the Birds of Prey protected area should be enlarged and that the area is unique.

We believe, however, several factors need further consideration. First in the original order establishing the Birds of Prey Area, the wording provided for additional agricultural and power development. It was on this basis that the Idaho Power Company, the Southwest Idaho Development Association and the Idaho Water Resource Board withdrew their objections to establishment of the area. The order for establishment of the area was by Roger Morton, Secretary of Interior, October 12, 1971. More important from the viewpoint of the Idaho Chapter Soil Conservation Society, is the uniqueness of the area for the birds of prey but also for agriculture. This area contains the last remaining potential Class I irrigated lands in Idaho. We are speaking of the National Soil Survey Classification and not Bureau of Reclamation. These lands are deep well drained, have few management problems and 140 or more frost-free days.

In the Ada-Elmore County area included north of the Snake River, we estimate there are approximately 125,000 to 150,000 of this Class I and II land. The Class II having the same climatic factors but less depth. We do not believe there are other similar available lands with this length growing season left on the Snake River Plains. We also point out that all of the Class I land in the irrigation project area of Ada County has fallen prey to urban and industrial development.

The Environmental Statement assumes that water to develop the area must come from the Snake River. We believe water can be made available from the Boise and Payette River and the artesian wells around Nampa - Caldwell. The necessary exchange agreements may be complicated. However, this elevation of the outlet at Lucky Peak Reservoir is 3,200 feet.

To advance the science and art of good land use

Dean Bibles  
September 28, 1979  
Page 2

From this elevation water can be carried by gravity to all of the Class I and II soils with 140 or more frost-free days.

Other points that need consideration are:

- 1) What is the minimum size area suitable?
- 2) What kind and amount of agricultural development might be compatible, and
- 3) 2,600 acres of irrigated pasture could replace all the AUMs of grazing.

The Committee agrees that the following action is needed: (1) We agree on the need to increase the size of the protected area. (2) We strongly believe that these unique Class I and II lands which have 140 or more frost-free days should be set aside for future agricultural development, and (3) The availability of water from sources other than the Snake River should be recognized.

The Committee will review this statement with the Chapter membership October 26 and 27. We will provide a report on the discussion of the full membership following that meeting.

Submitted by Special Committee, Idaho Chapter, SCSA

Lee Morgan,  
CoChairman

Peter W. Taylor  
CoChairman

CHAPTER CORRESPONDENCE  
Address only to:  
2533 Inglewood Rd.  
Boise, Idaho 83705

September 28, 1979

RECEIVED  
OCT 1 1979

Bureau of Land Management  
Boise District

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## COMMENTS:

TO DRAFT ENVIRONMENTAL IMPACT STATEMENT

## BY:

DAVID H. LEROY, ATTORNEY GENERAL  
PETE T. CENARRUSA, SECRETARY OF STATE  
JERRY L. EVANS, SUPERINTENDENT OF PUBLIC INSTRUCTION  
JOE R. WILLIAMS, STATE AUDITOR  
STATE OF IDAHO

## SUBMITTED:

September 14, 1979

## SUBJECT:

SNAKE RIVER BIRDS OF PREY NATIONAL CONSERVATION AREA  
DRAFT ENVIRONMENTAL IMPACT STATEMENT

COMMENTS TO THE PROPOSED BIRDS OF PREY  
DRAFT ENVIRONMENTAL IMPACT STATEMENTS

## INTRODUCTION

Pursuant to notice published in 44 F.R. 46354, August 7, 1979, David H. Leroy, the Idaho Attorney General, Pete Cenarrusa, the Idaho Secretary of State, Jerry Evans, the Idaho Superintendent of Public Instruction and Joe R. Williams, the Idaho State Auditor submit the following comments on the Snake River Birds of Prey National Conservation Area, Draft Environmental Impact Statement (DEIS). This statement is designed to supplement that submitted by several of the same parties in their official capacities on August, 1979. In order to adequately represent the long-term public interests of Idaho citizens, the Idaho State Land Board determined that it was necessary to carefully review this proposal.

On August 21, 1979, the Idaho State Land Board in a split vote instructed the Idaho Department of Lands employees not to consider or work out specific plans for exchange of lands with the federal government to implement the proposed Birds of Prey Area until two events were accomplished: (1) a meeting with state government department heads to receive their expert input, and (2) some improvement of position or resolution of other pending federal state land trades. After the August 21, 1979, meeting of the Idaho Board of Land Commissioners, the Idaho Attorney General's Office began further investigation of the proposed Birds of Prey Area. The investigation was initiated for the purpose of providing the State Land Board additional in-depth knowledge of the complex and interrelated economic, social and environmental issues involving the residents of Idaho.

These comments represent the results of the initial stages of that investigation carried out by the Attorney General's Office through contact with public citizens and Freedom of Information Act requests sent to the Department of the Interior. This initial investigation indicates a need for more time in which to conduct a searching analysis of the issues presented by the Birds of Prey Area. While it is clear that the wildlife in the Birds of Prey Area must be afforded protection, it is also equally clear that the environmental analysis prepared by the Department of the Interior is inadequate on its face. Moreover, the many internal government documents (some of which are attached to this comment) clearly



Under this alternative, pending agricultural applications can be suspended or rejected, although rejections may be somewhat hard to justify at this time, again, because the study is not yet complete. at Page 2 (Emphasis added)

On September 29, 1977, the Secretary issued (Attachment C) a directive on the Birds of Prey Area. It is clear from this memorandum that that final lock up decisions were already made. The decision was made to suspend Desert Land Entry, Carey Act, oil and gas and geothermal applications in the Birds of Prey Area. The directive contains the following stated objectives:

Identifying the additional research effort needed to accommodate the expanded study area. Formulate a management plan for the area and prepare an environmental impact statement if necessary.

The implication of this statement is clear. The study is intended to "accommodate" the desired result. No where does the policy directive suggest consideration of alternatives to an expanded Birds of Prey Area or include among any alternatives the accommodation of agricultural development.

Mineral rights are to be permanently withdrawn under this plan (Paragraph C). No effort is made to encourage or order an independent study of the area prior to this decision. The documents obtained through Freedom of Information Act requests reveal a gap of documents from this period, September 29, 1977 until June of 1978 when we have what is entitled, The Birds of Prey Action Plan, prepared by the BLM. This action plan (Attachment D) contains a similar indicia of bias.

On Page 2 of the enclosed action plan is the blunt statement, "The final report will be a document to support the proposed legislation." (Attachment D) In light of the fact that the "study" was not yet complete, the outline for the ES contains a further remarkable statement:

Designation will eliminate massive conversion of lands to agriculture, but will not necessarily preclude this use or other uses of the area. This designation must be kept in perspective and coordinated with the on-going program . . . at Page 9, (Attachment D, Emphasis added)

6.

Some of the studies enclosed in the Action Plan project an appearance of scientific impartiality. One study, however, entitled only "In fulfillment of Order No. 10-010-PH8-28, Etc." remarks upon the inappropriately short time given to the BLM for the conduct and completion of the study: (Attachment D).

The projected timetable, albeit generalized, demonstrates the inescapable fact that time is barely adequate for the proposed task.

In this writer's view, it also demonstrates that BLM's traditional review procedures simply have no application here. The proposed strategy doesn't presume to preclude review, but to provide for it in a constructive, timely manner. at Page 9 (Emphasis added)

In light of the earlier cited statements of the Department to the effect that there was "an opportune climate for action now" (Attachment A), in our opinion, the reason for the compression of time frames for study and comment which resulted in an internal rush at BLM becomes obvious.

Given this background, the results of the Draft Environmental Impact Statement and Study are not surprising. In fact, the study and its carefully marshalled data and conclusions appear to be irrelevant to the actual decision making process. The policy decisions were already made.

## II.

THE DES CONTAINS NO MEANINGFUL CONSIDERATION OF THE ABILITY OF AGRICULTURAL DEVELOPMENT TO ACCOMMODATE THE BIRDS OF PREY PROJECT GOALS.

In the area of agriculture, the DES is exclusively limited to a consideration of the effects of intensive farming upon the population of the Townsend Ground Squirrel and the Prairie Falcon population. The study states:

Birds of Prey research studies have evaluated the impact of intensive farm development on the Townsend Ground Squirrel population and consequently on the Prairie Falcon population in the proposed conservation area. DES at Pages 8-9 (Emphasis Added)

Apparently computer simulation shows that the total and extensive agricultural development of 182,500 acres of

farmland (in the best Ground Squirrel year) would result in a 33% reduction of squirrels. DES at Pages 8-9.

This simulation, and apparently the entire study, assume without basis that any agricultural development must be massive, intensive farming. Absolutely, no effort has been made to study techniques by which agricultural development can occur and mitigate the impacts on the Prairie Falcon. This is a major flaw and was arguably done with design.

An Interior Department issue paper dated September 20, 1977, (Attachment B) indicates a clear intent to prevent agricultural development even in advance of receiving study results. The Report states:

Mr. Hough's recommendation can be implemented. The B.R. withdrawals can be revoked and the lands simultaneously be withdrawn by the BLM. Mr. Hough indicates that there is an opportune climate for this action now, but there may be objections to this action, particularly because the study is not yet complete. This would require congressional review, in addition, it will probably be necessary to take further withdrawal action upon completion of the study. At Page 2.

Perhaps the most disturbing aspect of the Interior Department's refusal to consider techniques in which incremental agricultural development could be accommodated in the Birds of Prey area, is presented in an internal memo of the Department of the Interior from the Deputy Assistant Director, Resources to the files. This memo, dated July 24, 1978, (Attachment E) discusses the timing of the Boise Agricultural District Environmental Impact Statement with the Environmental Impact Statement for the Birds of Prey. In blunt political terms the memorandum states:

The scheduling of these two ES's, that is BP, (Birds of Prey) and AD, (Agricultural Development) is a critical element for both programs. The BP ES is currently scheduled for completion June 1, 1979. The current schedule for the AD ES calls for a draft to the public in July 18, 1979, and the final ES to the public on February 21, 1980. It was the consensus of all of us that the key to a successful legislative proposal on BP was that the AD ES must precede the BP ES. This strategy would make available to the public the point that adequate public land acreage is available for agricultural entry outside of the BP Area.

8.

particularly south and east of the BP area. This ES would demonstrate to the public that there are adequate public lands available commensurate with the amount of water that the state has for allocating the new irrigation farms. The public would then be aware that reserving the required raptor hunting habitat that surrounds the BP nesting area would not interfere with agricultural development in the State of Idaho. (Emphasis and bracketed material added).

This timing and manipulation of the Environmental Impact Statement process to alter and shape public opinion rather than to objectively receive it into the record casts doubt over the integrity of the work being done. This timing was apparently carried out. Another memorandum from the Director of the BLM to the State Director, Idaho, dated August 18, 1978 (Attachment F) carries this reference to the Agricultural Development Environmental Statement:

The above schedule enables us to:

Show that areas of public lands other than the Birds of Prey Area are available for agricultural development. Thus the agricultural development and ES becomes a focal point for the DLE and Carey Act Applications rather than the Birds of Prey ES. (Emphasis added).

What we have is a politically manipulative attempt to alter public opinion and deflect the public focus from a major issue in the Birds of Prey proposed area. Instead of the two environmental impact statements being used objectively and intelligently to explore a serious environmental problem for the State of Idaho, we have them being used in tandem to exploit political constituencies and purposes. On March 15, 1979 the Director of the BLM sent a memorandum to the State Director, Idaho (Attachment G) discussing the Preliminary Draft Environmental Impact Statement. In reference to agricultural developments the statements of the director clearly and unequivocally indicated this same predetermined policy and desired result of the BLM:

In lieu of making references to Sections 203 and 302 of FLPMA, you should point out that lands outside of the proposed area will be available for agriculture (farming) and tie in appropriately with the Ag Development ES. This then shows that while it cannot or should not be done within the proposed area, there will be plenty of other places where it can.

9.



It is also essential that any information presented the Birds of Prey be consistent with AG Development. For Example, B.O.P. Map 2-4 and AG Development Map 2-4 both show raptor foraging areas, but do not have the same configuration. While these are not major discrepancies, they also raise questions in the public eye and cast doubt on the credibility of both documents.

Some reviewers sensed a bias you should evaluate. As now written the reader is given as much of an argument against the irrigated agriculture as he is given objective analysis of protective management for public lands to enhance the Birds of Prey. We must assure no difference in tone in AG Development and the ES. at Page 2, (Emphasis Added)

This internal admission of the overt appearance of "bias" by BLM makes our point. In fact the recommended remedy further condemns the study. To alter "tone" instead of commencing, conducting and assuring an objective study is legally invalid.

The above listed documents establish a clear bias of BLM during this entire environmental statement process. Apparently agricultural development of any type and extent was prejudged to be the enemy of the Birds of Prey Area. This is a major flaw in the environmental study and should be rectified through a searching and independent analysis of ways in which agricultural development can exist in conformity with the Birds of Prey. In fact, some internal documents of BLM reveal that there is still a possibility for this to occur. One document entitled "Snake River Birds of Prey Study Area: An Economic evaluation by William F. Hyde" which was made part of the Birds of Prey Action Plan (Attachment D) states:

It is reasonable to expect that the final boundaries may be negotiated, however. Therefore it should be possible to break out the grazing and irrigated agriculture values for important parts of the land with the Birds of Prey Area. This will allow intelligent negotiation of eventual Birds of Prey National Area boundaries based on their social economic merit. The decision as to which parcels of land to evaluate independently should be made together with Bureau of Land Management Personnel, and with an eye to both agricultural values and important Raptor Habitat.

10.

It is our request that those kind of meaningful and independent studies be contemplated as this Interior Department Economist has suggested.

III.

ADDITIONAL TIME SHOULD BE ALLOWED FOR PUBLIC COMMENT AND ANALYSIS OF THE DRAFT ENVIRONMENTAL IMPACT STATEMENTS.

It seems clear from the memorandum of the Department of Interior that the only reason for rushing this Environmental Impact Statement through the BLM internal process and through the public input process is that of political timing. In effect, Interior and BLM memoranda indicate an intention to take advantage of the energy crisis in order to avoid any searching public review of the proposed Birds of Prey Area. This type of approach is not in the best interests of the people of Idaho, nor those of the BLM. This short cut review policy of the Department of the Interior has been repeated in other studies and tends to create distrust among the residents of the State of Idaho about the federal government. Only recently the State of Idaho participated in a challenge to the Department of the Interior's efforts to similarly rush through the Shoshone Grazing District Environmental Statement. The Interior Department's rationale on that occasion for speeding through the Environmental Impact Statement was that compliance with a mandatory time-limiting court order was required. No such court order exists in this instance.

The Birds of Prey Action Plan (Attachment D) discusses the reasons for tight scheduling of the Environmental Impact Statement:

Reasons for Tight Scheduling. As can be seen from reviewing the ES schedule of events there is no room for slippage. To understand the reasons for such a tight schedule one must start at the ending date and work backwards. (at Page 1, Action Report, Attachment D)

BLM report entitled Order No. 10-010-PHA-28 discusses the problems of the short timetable, (at Page 4, Attachment D) as follows:

11.

The timetable presented here, albeit somewhat generalized, is a reasonably accurate projection of the real time demands by any standard of measure, the time available to comply with the Secretary's directive is extremely short. Frankly, if the Bureau subjects the final report of the secretary to the traditional preparation plan agony, the quality of the final product will suffer grievously. (Emphasis added)

Thus an apparent decision was made to rush this Environmental Impact Statement through the BLM and to avoid the normal scrutiny and review procedures. From the above quote, the review methods used on Birds of Prey were admittedly to be designed to suppress internal dissent and to lessen the value of the internal deliberations upon the research instead of enhancing it.

We find that concept contrary to the public interest. These documents indicate that the Birds of Prey Environmental Impact Statement was rushed through the internal workings of BLM and is now to be rushed through the public comment stages by calculated design. This, we feel, is inappropriate as a matter of both law and public policy and should be rectified so that residents of Idaho may have time to analyze this immensely complex document. Perhaps even the BLM would prefer additional time to conduct the usual internal "agonies".

IV.

THE BUREAU OF LAND MANAGEMENT IN PREPARING THIS DRAFT ENVIRONMENTAL IMPACT STATEMENT HAS NOT ADEQUATELY CONSULTED WITH STATE GOVERNMENT.

The vast majority of BLM's activity in the Birds of Prey area has been accomplished throughout the design, study, analysis and report writing stages without any concurrence of, participation with, or reporting to the Idaho State Land Board. It is impossible at the present time to know why this is so. It is, however, a fact that the BLM has prepared this entire report without any ongoing consultation with the State Land Board. In fact, some of the documents discovered reveal a less than cooperative attitude about working with the State of Idaho. One undated document entitled "Proposed Boundary - Birds of Prey National Conservation Area" (Attachment I) states as an issue:

12.

The proposed boundary encompasses certain large blocks of state land, especially, near Mountain Home. These lands are considered as critical Prairie Falcon foraging habitat. Unless the BLM receives from the Idaho State Land Board an official statement which identified (sic) the long term management interests for these lands, the Bureau would have to assume these parcels will be developed for agriculture. This assumption will cause ill feelings between the BLM and the State of Idaho.

The document does not detail exactly why agricultural development assumptions must follow or what the results of these "ill feelings" between the BLM and the State of Idaho will be. Moreover, one of the documents attached to the Birds of Prey Action Plan (Attachment D) states in effect, that the manner in which the Environmental Impact Statement has been done risks serious political conflict by essentially foreclosing an option to accommodate the State. The document states in footnote #1:

It should be clearly recognized that preparing an ES on the boundary at this point of time (i.e., the decision to retain the area in public ownership as prescribed by the Organic Act) will make it considerably more difficult to accommodate the area's political, ecological and management facts of life. There is great risk of serious political conflict by essentially foreclosing the option to accommodate compromises in the final habitat management plan which will be completed some years after the action on the proposed legislation.

It seems that the BLM could have been more candid and cooperative with the State of Idaho and avoided much of the potential conflict, rush and misunderstanding regarding the Birds of Prey Area. It is hoped that BLM will now act in such a manner as to bring the State of Idaho into the decision making process and deal with the State in a realistic manner so that no option or alternative which should have been objectively explored will have been prematurely foreclosed.

V.

THE ENVIRONMENTAL IMPACT STATEMENT IS EXCEEDINGLY VAGUE AS TO THE FUTURE OF THE IDAHO NATIONAL GUARD AND THE BIRDS OF PREY AREA.

13.



The DES on Page 2-53 states "The BLM is currently developing a draft cooperative agreement regarding future use of the area by the National Guard. Weekend training occurs from February to late November and two week exercises take place during the summer months. The cooperative agreement will contain a clause stating that if any military activity is found to be detrimental to the Birds of Prey, in the future such activity will be curtailed or otherwise modified." On page 3-11 the DES states "In conclusion, the National Guard military activities on public land within the proposed conservation area would continue into the foreseeable future." While these statements appear to be reassuring on the surface, documents received from the Department of the Interior indicate that all is not well with the National Guard's presence in the Birds of Prey Area. One document from the director to the State Director of Idaho, dated March 7, 1979 (Attachment J) states:

Certainly it would not be appropriate to now formally commit the Bureau and the Secretary to a course of action that may not be supported by the environmental and legislative processes. Entering into agreement now and later having to cancel it or substantially modify it could also cause embarrassment and misunderstanding between the Bureau and the Idaho National Guard.

For these reasons, you should make no further commitment to an agreement or other authorization at least until consideration of alternatives by the secretary in June.

It is difficult to predict or evaluate with any degree of reliability the position of the BLM when the memorandums are compared with the statements contained in the Draft Environmental Impact Statement. It is important that further study and negotiations be made in order to reach a final and specific agreement of understanding between the Idaho National Guard and BLM so that neither the important defense mission of the National Guard nor the expectations of those interested in enhancing and protecting the birds will be compromised by the present deliberately vague generalizations offered on "hurry up" timetables.

14.

#### VI.

##### THE DES INADEQUATELY ANALYZES THE PRESENCE OF OIL, GAS AND MINERALS IN THE BIRDS OF PREY AREA.

The proposed Birds of Prey Expansion Area in South-eastern Idaho has abundant geologic evidence of the presence of sizeable concentrations of petroleum, natural gas, geothermal energy sources, and some minerals.

The environmental impact statement prepared by the BLM division of the Department of Interior does not adequately discuss this vital area of concern as required by NEPA. In these energy conscious times, we cannot afford to overlook substantial evidence of possibly abundant energy resources for the sake of reaching a preordained result which does not honestly evaluate or calculate energy exploration or development potential as required by law.

A weak argument can be constructed that the DES does discuss the potential impact that the Birds of Prey will have on oil, gas and mineral development and that "leasing of public lands under the Mineral Leasing Act and Geothermal Steam Act would continue in accordance with the management objectives for the proposed conservation area." DES at Page 3-12.

However, the problem with this approach is that there exists no management plan that is publicly available and which may be analyzed to ascertain exactly what the BLM envisions for future leasing and management practices in oil, gas, minerals and hot water. Thus, it is impossible to properly either support or oppose the BLM's position because it is unknown.

Interdepartmental memoranda exist which suggest the conclusion that an internal management plan does exist which will not be made public until after the time for public comment and discussion has passed (Attachment G). This is clearly contrary to the open, honest and wide ranging public comment and discussion required by NEPA. Again, the maintaining of plans unavailable to the public or releasing the same by timing the revelation to shape public opinion or avoid comment and criticism is objectionable.

Furthermore, the DES is seriously deficient in its discussion of the energy and mineral resources that are potentially available in the proposed federal enclave. The BLM relies upon reports from the USGS and from its own

geologists. The DES consolidates a twenty four page mineral report into little more than a page of comment. No discussion is devoted to the extent or probability of oil, gas, mineral and geothermal existence.

Furthermore, the DES states that there are only fifty oil and gas leases in existence, covering 78,720 acres (DES at Page 3-12). The BLM's own mineral report issued on 1 June 1979 (Attachment K) states at page one that "within the proposed area there currently are . . . eighty four oil and gas leases covering 144,926 acres, and seventeen geothermal leases on 25,882 acres." There is no explanation for the gross discrepancy in figures. The BLM report goes on to say that "locatable, leasable and saleable minerals are all present within the area." (Attachment K) The DES states at page 2-39 that "of the various minerals subject to location under the mining law of 1872, only clay and placer gold have been identified within the study area." Dr. Mont M. Warner, professor of geology at Boise State University, has prepared a study entitled "The Uranium Potential of Southwestern Idaho" which addresses one aspect of the high mineral potential of this area. (BSU 5/77) There is no explanation for this potentially significant oversight.

As to the presence of oil and gas reserves, so vital to our nation's energy program, the USGS report candidly acknowledges at page one:

##### Lands Valuable for Oil and Gas

All lands within the Birds of Prey study area except: T.2S, R.2W; T.3S, R.2W.

However, the DES prepared by the BLM contains no discussion whatsoever regarding the presence or absence of oil and gas. This is a legally unpardonable oversight. We are more than curious and concerned with why the BLM has chosen to almost totally ignore the presence of potential vital energy resources in large quantities admittedly located within the proposed Birds of Prey boundaries, some of which overlap state lands inside the proposal area.

As previously stated, competent evidence exists that shows a very high probability that a major oil and gas basin underlies portions of this particular area. Dr. Mont M. Warner, professor of geology at Boise State University has spent over twelve years studying the geology of the Snake River Plain. In a paper prepared for the 1977 Wyoming Geological Association conference, Dr. Warner summarized his remarks by stating:

16.

Most of the known Cenozoic rocks of Idaho's Snake River Plain were deposited in two distinct basins. The older one is the Miocene Lake Basin and the younger, the Pliocene-Pleistocene Lake Idaho basin which is superimposed on the older one. The deposits in both basins consist of a mixture of interbedded lacustrine and fluvial sediments with Volcanics.

Rifting, normal faulting, and downwarping differentiated the basins into two separate structural entities. The total thickness of their combined stratigraphic section is over 15,000 feet. Good shows of oil and gas and geothermal resources have been found at various depths in both basins.

Thick and numerous layers of dark organic shale, permeable sandstones, and pure clays throughout much of the total section imply favorable conditions for a petroleum potential. The major surface structures of the area have not yet been drilled. Excellent marker beds throughout the section make formational correlation relatively easy. The major formations most easily recognized and correlated are from bottom to top - Jarbridge Rhyolite, Sucker Creek Fm., Owyhee Rhyolite, Columbia River Basalts, Poison Creek Fm., Glenn's Ferry Fm., and the Snake River Basalts. (Emphasis added)

The fact that oil and gas exist in Southwestern Idaho is not a new discovery. As long ago as 1930 the front page of the March 27, Payette Independent newspaper headlined that "Payette Gas Well Cuts Capers". The report went on to say that "Experts believe Southwestern Idaho Gas and Oil Field Assured". In general regional terms this contradicts the BLM's mineral report which states at page three that " . . . no exploratory well or production has ever been documented." The October 4, 1921 edition of the Boise Evening Capital News headlined an earlier discovery: "Great Excitement in Payette When Drillers Strike Commercial Gas." Numerous other articles deal with the discovery of small deposits and numerous indications of gas in Southwestern Idaho and Eastern Oregon up to the present time.

Many of these wells contained traces of oil which showed that the oil had migrated through the area. Geological studies have shown the striking similarity between

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15.



the Snake River plain and other producing areas such as the Gulf of Suez in the Middle East and the Cook Inlet area in Alaska. Experts agree that the potential for oil and gas is very high in the proposed Birds of Prey Expansion Area. In fact that potential is so high that it should not have been lightly passed over in the BLM's OES. The likelihood of oil and gas presence is so significant that it should require much more study and discussion before the lands are "locked up". In addition, the potential presence of oil and gas may strongly influence the public's attitude toward the proposed Birds of Prey Area and their comments thereon, especially had the mineral presence been candidly detailed in the study.

## VII.

### THE PUBLIC RELATIONS ASPECTS OF THE DES CREATE SERIOUS DOUBT AS TO THE DOCUMENTS INTEGRITY

The Birds of Prey Environmental Impact Statement appears to be part of a well orchestrated publicity campaign to assure the swift passage of the Department of Interior's proposed legislation dealing with the Birds of Prey Area.

Under NEPA, the OES is supposed to be a wide ranging, open, unbiased discussion of the facts and figures as they relate to the proposed federal action. The express intent does not permit the use of the process to justify a predetermined result. Rather it is supposed to achieve, after the fact, the result that a careful, humane, unhurried analysis of all the available information suggests is appropriate.

From the very beginning, when the Birds of Prey project was conceived by Interior, internal documents cited above suggest that the result was preordained. Unfortunately, it appears that the study process was abused to support these previously made policy judgments. Numerous memoranda from BLM files point to this predetermined result and to the subsequent Madison Avenue style campaign to "sell it".

As early as July 1977, the intent of Interior began to emerge. In a memorandum to Secretary Andrus dated July 14, 1977, (Attachment A) John Hough stated that; "... current energy and water shortages have diminished the thrust for agricultural entry on the land, creating an opportune climate for action now". (emphasis added) Andrus wrote at the end of the memo, "I agree".

## 1B.

In a memo to the Director of the BLM and BOR dated September 29, 1977 (Attachment C), Secretary Andrus spelled out his specific plan for the expansion of the Birds of Prey Area. In that memorandum, Andrus ordered the BLM and BOR to "Initiate data - gathering action that will be needed for the preparation of an environmental assessment for a permanent withdrawal..." (emphasis added). Obviously, from that terminology, certain decisions of direction had been made. Regretfully it then became necessary to gather data to support the preordained conclusion - a clear subversion of the EIS process. Secretary Andrus went on to state that "interest in the Birds of Prey Natural Area requires formulation of a public affairs plan". (emphasis added) Internal memoranda are again useful in establishing (1) whose "interest", (2) whether such a public affairs plan was designed to "sell" rather than "inform" the public and Congress and (3) the nature of the plan.

A Birds of Prey Action Plan was drafted in June of 1978. (Attachment O) It appears to our analysis of documents that it was a preliminary step in a carefully orchestrated process to "sell" the Birds of Prey idea. At page 14, the "public affairs plan" was discussed. It was to be prepared at the district level and coordinated by the Washington, D.C. office. At the end of the discussion Interior recommended:

that a minimum of \$20,000 over the \$165,000 one-time cost items be funded for the public affairs plan and identified in the FY 1979 AWP. Congressional interests could generate considerable promotions (float trips, helicopter trips, tours, etc.) for selected individuals. (emphasis added)

Why were these costly tactics of persuasion necessary?

In a later part of the same report the "hurry up" nature of the timing was discussed. In order to meet the demanding schedule the report recommended that normal departmental review procedures be dispensed with and instead, "carefully selected personnel" be hired to prepare the report. At pages five and six, it was written that "(Given the nature of the product, if at all possible, (1) and (2) should be a package deal)". (emphasis added) The "package deal" referred to was the hiring of a writer/editor to prepare the report and the services of a professional graphic artist. Are these kinds of high caliber professionals necessary to prepare government reports which are supposed to induce action based on the merit of their content?

## 19.

As we have discussed earlier and as is the case with any successful advertising or political campaign the concept of "timing" was employed. Evidence of this planned orchestration is contained in a memorandum to the BLM files dated July 24, 1978 (Attachment E):

It was the consensus of all of us that the key to a successful legislative proposal on BP was that the AD ES must precede the BP ES. This strategy would make available to the public the point that adequate public land acreage is available for agricultural entry outside of the BP area, particularly south and east of the BP area. Mathews was instructed and agreed that the timing on these two ES's must be arranged accordingly.

Why was the timing so important?

In a memorandum to Washington, dated September 18, 1978, (Attachment L) the BLM state director wrote:

Please keep in mind that this photo-journalistic report will be the rationale document for the proposed conservation area boundary line. It is designed to discuss why the proposed boundary line is where it will be, and why it is important to establish a conservation area.

The "photo-journalistic" promotional brochure was thus admittedly designed to "convince" the public of why; not just inform them of "where" before the comment period even opened.

Further evidence of Interior's concern with the media campaign to convince the public is contained in a memorandum from Washington, D.C. to the BLM State Director dated October 10, 1978 (Attachment M). At page 2, number 7, the "public affairs" plan was discussed:

... should recognize needs to inform general public of BOP values, etc. - Bibles to prepare initial PA plan to be reviewed/approved by state office (SO) and WO (plan to consist of components on various media approaches). (emphasis added)

Why are "media approaches" needed for an EIS?

More evidence of the public relations aspect of the report is contained in a memorandum from the State Director to the BLM director in Washington. The memorandum, dated

## 20.

May 19, 1978 (Attachment N), was entitled "Permanent Protection for Snake River Birds of Prey". In item (2) of the memo, it was stated:

"(2) It would appear that our first step should be to complete the pictorial resume outlined by Mike Kochert in his February 9, 1978 memorandum (parts of Enclosure 3) which would serve as an illustrated Summary of the Birds of Prey Program and Research Findings. This document would be the public relations document to conservation constituents. It seems likely that the Audubon Society and Nature Conservancy would be interested in assisting with the financing of this document." (emphasis added)

This proposed economic partnership with obvious advocates a particular result in the preparation of the governments supposedly objective, informative brochure precisely illustrates the impropriety of the public relations approach by which the public and this study were manipulated.

Even at that, a more damaging internal admission of bias exists. BLM personnel reviewed the report in January of 1979 (Attachment O). The critical comments about this EIS of one BLM reviewer are illustrative:

I think in general, the editors should make an effort to reduce the number of excess, unneeded and unnecessary superlatives. This (as well as any ES) should be objectively written in a professional manner, not written so as to appeal to the emotions of the reader.

Under impacts on wildlife, absolutely no documentation to show that the BPSP is a globally unique ecosystem. This is simply another unprofessional statement deliberately designed to appeal to the emotions of readers.

In summary, one need only examine the BLM DES and its accompanying brochure with expensive photography, "emotional appeals", and pictures of actors on float trips to understand the full impact and intent of BLM and Interior's public relations campaign. Rather than open public discussion and unbiased in depth research which discusses all the alternatives objectively, we are instead presented with a "nicely packaged" preordained result.

## CONCLUSION

As elected state officials and members of the State Land Board, we have not foreclosed participation in and



endorsement of expanding the Snake River Birds of Prey Area. We may even wish to negotiate boundary changes, trade state lands, and conduct independent studies. However, we just do not have enough information in this "hurry up" context to make those decisions with a proper amount of input, deliberation, and debate, given the substantial public interests affected.

In the normal case we would rely heavily on an objectively prepared and properly analyzed EIS. There is no such document available on Snake River Birds of Prey. We earnestly petition the Secretary of Interior to postpone legislation. We sincerely request the formation of a joint Federal-State Task force to reanalyze omitted alternatives. We ask that the record remain open so that the public's interest can be documented, protected, and achieved as required by law.







APPENDIX A



CLASS OR ANIMAL	COMMON NAME	SCIENTIFIC NAME	SEASON OF USE	OCCURRENCE	CLASSIFICATION
Mammals	Vagrant Shrew	Sorex vagrans	Yearlong	Occasional	
	Little Brown Bat	Myotis lucifugus	Migration-Summer	Common	
	Yuma Bat	Myotis yumanensis	"	Occasional	
	Long-eared Bat	Myotis evotis	"	Rare	
	Fringed Bat	Myotis thysanodes	"	Occasional	
	Long-legged Bat	Myotis volans	"	Occasional	
	California Bat	Myotis californicus	"	Occasional	
	Western Pipistrelle	Pipistrellus hesperus	"	Common	
	Spotted Bat	Euderma maculatum	"	Rare	Sensitive
	Western Big-eared Bat	Plecotus townsendii	"	Occasional	
	Pallid Bat	Antrozous pallidus	"	Rare	
	Pygmy Rabbit	Sylvilagus idahoensis	Yearlong	Occasional	Game Animal
	Mountain Cottontail	Sylvilagus nuttallii	"	Common	Game Animal
	Black-tailed Jackrabbit	Lepus californicus	"	Common	
	Least Chipmunk	Eutamias minimus	"	Occasional	
	Yellow-bellied Marmot	Marmota flaviventris	"	Common	
	White-tailed Antelope Squirrel	Ammospermophilus leucurus	"	Common	
	Townsend Ground Squirrel	Spermophilus townsendi	"	Common	
	Belding Ground Squirrel	Spermophilus beldingi	"	Rare	
	Townsend Pocket Gopher	Thomomys townsendi	"	Common	
	Northern Pocket Gopher	Thomomys talpoides		Common	
	Great Basin Pocket Mouse	Perognathus parvus		Common	
	Ord Kangaroo Rat	Dipodomys ordi	Yearlong	Common	
	Chisel-tooth Kangaroo Rat	Dipodomys microps	"	Occasional	
	Beaver	Castor canadensis	"	Common	Fur Bearer
	Western Harvest Mouse	Reithrodontomys megalotis	"	Common	
	Canyon Mouse	Peromyscus crinitus	"	Occasional	
	Deer Mouse	Peromyscus maniculatus	"	Common	
	Northern Grasshopper Mouse	Onychomys leucogaster	"	Common	
	Desert Woodrat	Neotoma lepida	"	Common	
	Bushy-tailed Woodrat	Neotoma cinerea	"	Common	
	Montane Vole	Microtus montanus	"	Common	



CLASS OR ANIMAL	COMMON NAME	SCIENTIFIC NAME	SEASON OF USE	OCCURRENCE	CLASSIFICATION
Mammals	Long-tailed Vole	Microtus longicaudus	Yearlong	Occasional	
	Sagebrush Vole	Lagurus curtatus	"	Hypothetical	
	Muskrat	Ondatra zibethicus	"	Common	Fur Bearer
	House Mouse	Mus musculus	"	Common	
	Porcupine	Erethizon dorsatum	"	Occasional	Quill Bearer
	Coyote	Canis latrans	"	Common	
	Red Fox	Vulpes vulpes	"	Occasional	
	Kit Fox	Vulpes macrotis	"	Rare	??
	Raccoon	Procyon lotor	"	Common	
	Long-tailed Weasel	Mustela frenata	"	Common	
	Mink	Mustela vison	"	Rare	Fur Bearer
	Badger	Taxidea taxus	"	Common	Sensitive
	River Otter	Lontra canadensis	"	Rare	Fur Bearer
	Spotted Skunk	Spilogale gracilis	Yearlong	Common	
	Striped Skunk	Mephitis mephitis	"	Common	
	Bobcat	Lynx rufus	"	Rare	Sensitive
	Mule Deer	Odocoileus hemionus	Yearlong	Occasional	Fur Bearer Game Animal
Birds	Common Loon	Gavia immer	Migration	Common	
	Horned Grebe	Podiceps auritus	"	Common	
	Eared Grebe	Podiceps nigricollis	Yearlong	Common	
	Western Grebe	Aechmophorus occidentalis	Migration-Summer	Common	
	Pied-billed Grebe	Podilymbus podiceps	Yearlong	Common	
	White Pelican	Pelecanus erythrorhynchos	Migration-Summer	Common	
	Double-crested Cormorant	Phalacrocorax auritus	"	Common	
	Great Blue Heron	Ardea herodias	Yearlong	Common	
	Great Egret	Casmerodius albus	Migration-Summer	Rare	
	Snowy Egret	Egretta thula	"	Occasional	
	Black-crowned Night Heron	Nycticorax nycticorax	"	Common	







CLASS OR ANIMAL	COMMON NAME	SCIENTIFIC NAME	SEASON OF USE	OCCURRENCE	CLASSIFICATION
Birds	Baird's Sandpiper	Calidris bairdii	"	Occasional	
	Least Sandpiper	Calidris minutilla	"	Occasional	
	Dunlin	Calidris alpina	"	Occasional	
	Western Sandpiper	Calidris mauri	"	Common	
	Semipalmated Sandpiper	Calidris pusilla	"	Occasional	
	Sanderling	Calidris alba	"	Occasional	
	Long-billed Dowitcher	Limnodramus scolopaceus	"	Common	
	Marbled Godwit	Limosa fedoa	"	Occasional	
	American Avocet	Recurvirostra americana	Migration-Summer	Common	
	Black-necked Stilt	Himantopus mexicanus	"	Common	
	Wilson's Phalarope	Stegaropus tricolor	"	Common	
	Northern Phalarope	Phalaropus lobatus	Migration	Occasional	
	Herring Gull	Larus argentatus	Migration-Winter	Rare	
	California Gull	Larus californicus	Migration-Summer	Common	
	Ring-billed Gull	Larus delawarensis	Yearlong	Common	
	Franklin's Gull	Larus pipixcan	Migration	Occasional	
	Bonaparte's Gull	Larus philadelphia	"	Occasional	
	Forster's Tern	Sterna forsteri	"	Occasional	
	Caspian Tern	Sterna caspia	Summer	Common	
	Black Tern	Chlidonias niger	Migration-Summer	Occasional	
	Rock Dove	Columba livia	Yearlong	Common	
	Mourning Dove	Zenaida macroura	Yearlong	Common	
	Yellow-billed Cuckoo	Coccyzus americanus	Summer	Rare	
	Barn Owl	Tyto alba	Yearlong	Common	
	Screech Owl	Otus asio	"	Occasional	
	Great Horned Owl	Bubo virginianus	"	Common	
	* Burrowing Owl	Athene cucularia	"	Common	Sensitive
	Long-eared Owl	Asio otus	"	Common	
	Short-eared Owl	Asio flammeus	"	Common	
	Saw-whet Owl	Aegolius acadicus	"	Rare	
	Poorwill	Phalaenoptilus nuttallii	Migration-Summer	Occasional	
					Migratory Gamebird

\* Not sure if Burrowing Owls winter commonly.



CLASS OR ANIMAL	COMMON NAME	SCIENTIFIC NAME	SEASON OF USE	OCCURRENCE	CLASSIFICATION
Birds	Swainson's Hawk	Buteo swainsoni	Migration-Summer	Occasional	
	Rough-legged Hawk	Buteo lagopus	Migration-Winter	Common	
	Ferruginous Hawk	Buteo regalis	Yearlong	Occasional	Sensitive
	Golden Eagle	Aquila chrysaetos	"	Common	
	Bald Eagle	Haliaeetus leucocephalus	Migration-Winter	Occasional	Endangered
	Marsh Hawk	Circus cyaneus	Yearlong	Common	
	Osprey	Pandion haliaetus	Migration	Occasional	Sensitive
	Gyr Falcon	Falco rusticolus	Winter	Rare	
	Prairie Falcon	Falco mexicanus	Yearlong	Common	
	Pergrine Falcon	Falco peregrinus	Migration-Winter	Rare	Endangered
	Merlin	Falco columbarius	"	Occasional	Sensitive
	Kestrel	Falco sparverius	Yearlong	Common	
	Sage Grouse	Centrocercus uropasianus	"	Rare	Gamebird
	Bobwhite	Colinus virginianus	"	Occasional	"
	California Quail	Lophortyx californicus	"	Common	"
	Ring-necked Pheasant	Phasianus colchicus	"	Common	"
	Chukar	Alectoris chukar	"	Common	"
	Gray Partridge	Perdix perdix	"	Common	"
	Sandhill Crane	Grus canadensis	Migration	Occasional	
	Virginal Rail	Rallus limicola	Yearlong	Occasional	
	Sora	Porzana carolina	Migration-Summer	Common	
	American Coot	Fulica americana	Yearlong	Common	Migratory Gamebird
	Semipalmated Plover	Charadrius semipalmatus	Migration	Occasional	
	Killdeer	Charadrius vociferus	Yearlong	Common	
	Black-bellied Plover	Pluvialis squatarola	Migration	Rare	
	Common Snipe	Capella gallinago	Yearlong	Common	
	Long-billed Curlew	Numenius americanus	Migration-Summer	Occasional	Migratory Gamebird
	Spotted Sandpiper	Actitis macularia	"	Common	Sensitive
	Solitary Sandpiper	Tringa solitaria	Migration	Occasional	
	Willet	Catoptrophorus semipalmatus	"	Occasional	
	Greater Yellowlegs	Tringa melanoleuca	"	Common	
	Lesser Yellowlegs	Tringa flavipes	"	Common	



CLASS OR ANIMAL	COMMON NAME	SCIENTIFIC NAME	SEASON OF USE	OCCURRENCE	CLASSIFICATION
Birds	Common Nighthawk	Chordeiles minor	"	Common	
	White-throated Swift	Aeronautes saxatalis	"	Common	
	Black-chinned Hummingbird	Archilochus alexandri	"	Occasional	
	Calliope Hummingbird	Stellula calliope	Migration	Occasional	
	Belted Kingfisher	Megasceryle alcyon	Yearlong	Common	
	Common Flicker	Colaptes auratus	"	Common	
	Lewis' Woodpecker	Melanerpes lewis	Migration-Summer	Occasional	
	Yellow-bellied Sapsucker	Sphyrapicus varius	Migration	Occasional	
	Hairy Woodpecker	Picoides villosus	"	Occasional	
	Downy Woodpecker	Picoides pubescens	"	Occasional	
	Eastern Kingbird	Tyrannus tyrannus	Migration-Summer	Common	
	Western Kingbird	Tyrannus verticalis	"	Common	
	Ash-throated Flycatcher	Myiarchus cinerascens	Summer	Rare	
	Say's Phoebe	Sayornis saya	Migration-Summer	Common	
	Willow Flycatcher	Empidonax traillii	Migration	Occasional	
	Hammond's Flycatcher	Empidonax hammondi	"	Occasional	
	Dusky Flycatcher	Empidonax oberholseri	"	Occasional	
	Western Flycatcher	Empidonax difficilis	"	Occasional	
	Western Wood Pewee	Contopus sordidulus	Migration-Summer	Common	
	Horned Lark	Eremophila alpestris	Yearlong	Common	
	Violet-green Swallow	Tachycineta thalassina	Migration-Summer	Common	
	Tree Swallow	Iridoprocne bicolor	Migration	Occasional	
	Bank Swallow	Riparia riparia	Migration-Summer	Common	
	Rough-winged Swallow	Stelgidopteryx ruficollis	"	Common	
	Barn Swallow	Hirundo rustica	"	Common	
	Cliff Swallow	Petrochelidon pyrrhonota	"	Common	
	Blue Jay	Cyanocitta cristata	Summer-Winter	Rare-displaced	
	Black-billed Magpie	Pica pica	Yearlong	Common	
	Common Raven	Corvus corax	"	Common	
	Common Crow	Corvus brachyrhynchos	"	Common	
	Black-capped Chickadee	Parus atricapillus	Migration-Winter	Occasional	
	Mountain Chickadee	Parus gambeli	"	Occasional	



CLASS OR ANIMAL	COMMON NAME	SCIENTIFIC NAME	SEASON OF USE	OCCURRENCE	CLASSIFICATION
Birds	Common Bushtit	Psaltriparus minimus	"	Rare	
	Red-breasted Nuthatch	Sitta canadensis	"	Occasional	
	Brown Creeper	Certhia familiaris	"	Occasional	
	House Wren	Troglodytes aedon	Migration-Summer	Occasional	
	Long-billed Marsh Wren	Cistothorus palustris	Yearlong	Common	
	Canon Wren	Catherpes mexicanus	"	Common	
	Rock Wren	Salpinctes obsoletus	"	Common	
	Mockingbird	Mimus polyglottus	Migration-Winter	Rare	
	Sage Thrasher	Oreoscoptes montanus	Migration-Summer	Common	
	Robin	Turdus migratorius	Yearlong	Common	
	Varied Thrush	Ixoreus naevius	Migration	Occasional	
	Western Bluebird	Sialia mexicana	"	Occasional	
	Mountain Bluebird	Sialia currucoides	"	Occasional	
	Townsend's Solitaire	Myadestes townsendi	"	Occasional	
	Golden-crowned Kinglet	Regulus satrapa	Migration-Winter	Occasional	
	Ruby-crowned Kinglet	Regulus culendula	"	Occasional	
	Water Pipit	Anthus spinoletta	Migration	Common	
	Bohemian Waxwing	Bombycilla garrulus	Migration-Winter	Occasional	
	Cedar Waxwing	Bombycilla cedorum	"	Occasional	
	Northern Shrike	Lanius excubitor	Winter	Occasional	
	Loggerhead Shrike	Lanius ludovicianus	Yearlong	Common	
	Starling	Sturnus vulgaris	Yearlong	Common	
	Solitary Vireo	Vireo solitarius	Migration	Occasional	
	Warbling Vireo	Vireo gilvus	"	Occasional	
	Orange-crowned Warbler	Vermivora celata	"	Occasional	
	Yellow Warbler	Dendroica petechia	Migration-Summer	Common	
	Yellow-rumped Warbler	Dendroica coronata	Migration	Common	
	Townsend's Warbler	Dendroica townsendi	"	Occasional	
	MacGillivray's Warbler	Opororrhis tolmiei	"	Occasional	
	Common Yellowthroat	Geothlypis trichas	Migration-Summer	Common	
	Yellow-breasted Chat	Icteria virens	"	Common	
	Wilson's Warbler	Wilsonia pusilla	Migration	Common	



CLASS OR ANIMAL	COMMON NAME	SCIENTIFIC NAME	SEASON OF USE	OCCURRENCE	CLASSIFICATION
Birds	House Sparrow	Paser domesticus	Yearlong	Common	
	Bobolink	Dolichonyx oryzivorus	Migration-Summer	Occasional	
	Western Meadowlark	Sturnella neglecta	Yearlong	Common	
	Yellow-headed Blackbird	Xanthocephalus	Migration-Summer	Common	
		xanthocephalus			
	Red-winged Blackbird	Agelaius phoeniceus	Yearlong	Common	
	Northern Oriole	Icterus galbula	Migration-Summer	Common	
	Brewer's Blackbird	Euphagus cyanocephalus	"	Common	
	Brown-headed Cowbird	Molothrus ater	"	Common	
	Western Tanager	Piranga ludoviciana	Migration	Common	
	Black-headed Grosbeak	Phaeucticus melanocephalus	"	Occasional	
	Lazuli Bunting	Passerina amoena	Migration-Summer	Common	
	Evening Grosbeak	Hesperiphona vespertina	Migration-Winter	Occasional	
	Cassin's Finch	Carpodacus cassinii	"	Occasional	
	House Finch	Carpodacus mexicanus	Yearlong	Common	
	Gray-crowned Rosy Finch	Leucosticte tephrocotis	Winter	Rare	
	American Goldfinch	Carduelis tristis	Yearlong	Common	
	Rufous-sided Towhee	Pipilo erythrophthalmus	Migration-Summer	Occasional	
	Savannah Sparrow	Passerculus sandwichensis	Spring-Summer	Common	
	Grasshopper Sparrow	Ammodramus savannarum	Migration	Occasional	
	Vesper Sparrow	Poocetes gramineus	Migration-Summer	Common	
	Lark Sparrow	Chondestes grammacus	"	Common	
	Black-throated Sparrow	Amphispiza bilineata	Spring-Summer	Common	
	Sage Sparrow	Amphispiza belli	Migration-Summer	Common	
	Dark-eyed Junco	Junco hyemalis	Migration-Winter	Common	
	Tree Sparrow	Spizella arborea	Winter	Occasional	
	Chipping Sparrow	Spizella passerina	Migration-Summer	Common	
	Brewer's Sparrow	Spizella breweri	Migration-Summer	Common	
	White-crowned Sparrow	Zonotrichia leucophrys	Migration	Common	
	Song Sparrow	Melospiza melodia	Yearlong	Common	
	Snow Bunting	Plectrophenax nivalis	Winter	Occasional	



CLASS OR ANIMAL	COMMON NAME	SCIENTIFIC NAME	SEASON OF USE	OCCURRENCE	CLASSIFICATION
Amphibians	Great Basin Spadefoot Toad	Scaphiopus intermontanus	Yearlong	Common	
	Western Toad	Bufo boreas	"	Common	
	Woodhouse's Toad	bufo woodhousei	"	Common	
	Pacific Tree Frog	Hyla regilla	"	Common	
	Leopard Frog	Rana pipiens	"	Common	
	Bullfrog	Rana catesbeiana	"	Occasional	
Reptiles	Leopard Lizard	Crotaphytus wislizenii	Yearlong	Common	
	Collared Lizard	Crotaphytus collaris	"	Occasional	
	Western Fence Lizard	Sceloporus occidentalis	"	Common	
	Side-blotched Lizard	Uta stansburiana	"	Common	
	Northern Desert Horned Lizard	Phrynosoma platyrhinos	"	Common	
	Western Whiptail	Cnemidophorus tigris	"	Common	
	Racer	Coluber constrictor	"	Occasional	
	Gopher Snake	Pituophis melanoleucus	"	Common	
	Striped Whipsnake	Masticophis taeniatus	"	Common	
	Western Terrestrial	Thamnophis elegans	"	Occasional	
	Garter Snake				
	Western Ground Snake	Sonora semiannulata	Yearlong	Occasional	Sensitive
	Night Snake	Hypsiglena torquata	"	Occasional	
	Western Rattlesnake	Crotalus viridis	"	Common	
	Long-nosed Snake	Rhinocheilus lecontei	"	Occasional	
Fish	White Sturgeon	Acipenser transmontanus	Yearlong	Common	Sensitive
	Mountain Whitefish	Prosopium williamsoni	"	Occasional	Game Fish
	Rainbow Trout	Salmo gairdneri	"	Occasional	Game Fish
	Chiselmouth	Acrocheilus alutaceus	"	Common	
	Carp	Cyprinus carpio	"	Common	
	Peamouth	Mylocheilus caurinus	"	Common	
	Northern Squawfish	Ptychocheilus oregonensis	"	Common	



CLASS OR ANIMAL	COMMON NAME	SCIENTIFIC NAME	SEASON OF USE	OCCURRENCE	CLASSIFICATION
Fish	Longnose Dace	Rhinichthys cataractae	Yearlong	Common	
	Speckled Dace	Rhinichthys osculus	"	Common	
	Redside Shiner	Richardsonius balteatus	"	Common	
	Bridgelip Sucker	Catostomus columbianus	"	Common	
	Largescale Sucker	Catostomus macrocheilus	"	Common	
	Mountain Sucker	Catostomus platyrhynchus	"	Common	
	Brown Bullhead	Ictalurus nebulosus	"	Common	Game Fish
	Channel Catfish	Ictalurus punctatus	"	Common	"
	Pumpkinseed	Lepomis gibbosus	"	Common	"
	Warmouth	Lepomis gulosus	"	Rare	"
	Bluegill	Lepomis macrochirus	"	Common	"
	Smallmouth Bass	Micropterus dolomieu	"	Common	"
	Largemouth Bass	Micropterus salmoides	"	Common	"
	Black Crappie	Pomoxis nigromaculatus	"	Common	"
	Mottled Sculpin	Cottus bairdi	"	Common	"
	Piute Sculpin	Cottus beldingi	"	Common	
	Shorthhead Sculpin	Cottus confusus	"	Occasional	
	Yellow Perch	Perca flavescens	"	Common	Game Fish







## APPENDIX E







[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

IDAHO - BOISE DISTRICT

Snake River Birds of Prey Natural Area and Study Area Notice of Closure  
Order on Use of Aircraft

Notice is hereby given that the public lands within the Snake River Birds of Prey Natural Area and Study Area in Idaho are closed seasonally each year from February 1 to September 1, inclusive, to all forms of aircraft use in that airspace extending downward from 1,500 feet above the surface of the Snake River Canyon rim in each direction. This includes both sides of the river where canyon rim or buttes exist on both sides. In places the rimrock falls back as much as 4 miles from the river and in places is present only on one side of the river. This is still considered the canyon rim for purposes of this closure. Where there is rimrock on only one side of the river the closure shall be in effect for one-half mile on either side of that rimrock. This would extend from the old railroad bridge at Guffey Butte (latitude 43°17'56", longitude 116°31'44") upstream along the river to Indian Cove Bridge (latitude 42°56'35", longitude 115°31'54") near Hammett, Idaho, and including the Bruneau River arm of the canyon at C.J. Strike Reservoir (latitude 42°51'10", longitude 115°50'45") downstream to its confluence with the Snake River Canyon. This will affect four Idaho counties: Ada, Canyon, Elmore, and Owyhee.

Crop dusters on busines at agricultural sites and existing airstrips and landing pads are exempted. Idaho Fish and Game Department and U.S. Department of the Interior administrative flights are exempted and must be coordinated through the Bureau of Land Management.

This closure order is in accordance with the provisions of Pub. L. 93-452, *the Sikes Act* (88 Stat. 1369), (16 U.S.C. 670a) and Pub. L. 94-579, *the Federal Land Policy and Management Act of 1976* (90 Stat. 2743), (43 U.S.C. 1701), and 43 CFR Parts 6010 and 6220. Violations of this closure order may result in criminal penalties of up to \$1,000 fine and/or 1 year imprisonment for each violation.

The Snake River Birds of Prey Natural Area, as established by the Public Land Order 5133, dated October 12, 1971, is a sanctuary for raptorial birds. The Snake River Birds of Prey Study Area was created in the Bureau of Land Management planning process. Restriction on the



use of aircraft on the public lands within this area are consistent with the planning for the future management of this part of the Kuna, West Owyhee, and Saylor Creek Planning Units. The objectives of this restriction are to prevent disturbance of the annual reproductive activities of the golden eagle, the prairie falcon and other raptorial species in the area; and, also, to protect the public safety from the potential danger of bird-aircraft collisions in an area of high concentration of raptorial birds.

The area closed to aircraft in the Snake River Birds of Prey Natural Area and Study Area embraces a 65-mile reach of the Snake River in Idaho, commencing at Indian Cove Bridge near the town of Hammett and continuing downstream to the old railroad bridge at Guffey Butte, north of the town of Murphy. The boundaries of the Natural Area and Study Area can be seen on maps at the Boise District Office of the Bureau of Land Management, 230 Collins Road, Boise, Idaho. The necessary legal description for purposes of aircraft navigation in conjunction with this closure order is contained in the first paragraph of this order.

D. Dean Bibles  
*District Manager*





## OFFICE OF THE GOVERNOR

State Capitol

Montgomery, Alabama

November 12, 1978

The Honorable David D. Dixon,  
Secretary of the Interior,  
Department of the Interior,  
Washington, D.C. 20540

Dear Sir:

One of the great and distinctive features of Alabama is its rich variety of natural resources and its location on the Gulf of Mexico. The State's natural resources are a source of pride and a source of economic development. The State's natural resources are a source of pride and a source of economic development. The State's natural resources are a source of pride and a source of economic development.

### APPENDIX C

One of the outstanding features of the State is the diverse and rich natural resources of the State. The State's natural resources are a source of pride and a source of economic development. The State's natural resources are a source of pride and a source of economic development.

The proposed Snake River Birds of Prey National Conservation Area recognizes and preserves the natural, cultural, scientific, scenic and wildlife resources which are an important part of Idaho's heritage. The area was first recognized for potential national significance when Secretary of Interior James C. Watt declared it as one of the Birds of Prey National Conservation Areas in 1971.

However, the BLM area included only for the most important nest habitat and did not include the entire area. The Bureau of Land Management has been an excellent partner in conducting research to determine the precise food and habitat needs of the birds of prey.

The Bureau of Land Management's proposal to establish a Snake River Birds of Prey National Conservation Area encompasses approximately 115,000 acres of public land, reflecting a commitment to protecting our national heritage, while assuring the ongoing benefits to our natural resources.







JOHN V. EVANS  
GOVERNOR



**OFFICE OF THE GOVERNOR**

STATE CAPITOL  
BOISE 83720

December 14, 1979

The Honorable Cecil D. Andrus  
Secretary of the Interior  
Department of the Interior  
Washington, D.C. 20210

Dear Cece:

One of the goals and objectives of my Administration is to lend strong support and leadership in protecting, preserving and enhancing our natural resources. Intelligent stewardship of our natural resources and environment on behalf of all Idahoans is an important responsibility of state government. Our country's public lands and waters support a rich and valuable treasure of wildlife resource which we hold in trust for all Americans, now and in the future.

High in the spectacular cliffs of the Snake River Canyon lies the densest known population of birds of prey in the world. Approximately 600 pairs representing fifteen species annually nest in an eighty-one mile reach of the canyon.

The proposed Snake River Birds of Prey National Conservation Area recognizes and preserves the natural, cultural, scientific, scenic and wildlife resources which are an important part of Idaho's heritage. The area was first recognized for important national resources when Secretary of Interior Roger C.B. Morton dedicated nearly 32,000 as the Birds of Prey Natural Area back in 1971.

However, the 32,000 acres provided only for the most important nest habitat and not for the critical prey base. The Bureau of Land Management has done an excellent job in their extensive research to determine the precise food and habitat needs of the birds of prey.

The Bureau of Land Management's proposal to establish a Snake River Birds of Prey National Conservation Area encompassing approximately 515,000 acres of public land reflects a commitment to protecting our national heritage, while meeting the competing demands on our natural resources.



The proposal initiated by Bureau of Land Management would ask for Congressional recognition and protection of a unique area and provide the Bureau with direction and authority to manage these public lands. While management would emphasize protection of the raptor population in the area, other uses compatible with the birds of prey would be permitted and encouraged.

The concept of a National Conservation Area is a new and innovative approach in Idaho regarding land management. It is the first time this land management approach has been initiated in Idaho. A National Conservation Area recognizes the importance of protecting valuable national resources, while at the same time providing for a multiple use management framework.

The dominant use of the public lands and much of the private lands within the proposed Conservation Area is livestock grazing. Sixty-six grazing permittees annually obtain approximately 65,000 animal unit months of forage from the area as an integral part of their year round cattle and sheep operations. These grazing privileges would not be affected by establishment of the Birds of Prey National Conservation Area.

Domestic livestock grazing is an important economic and social part of Idaho's agriculture-based economy and lifestyle. I would also recommend and request that the grazing of livestock be recognized specifically in the legislation creating the proposed conservation area. This would provide the necessary protection and assurance that grazing will be allowed to continue in the future.

The Idaho National Guard has been conducting military exercises in the proposed conservation area since 1953. Earlier this year, the State of Idaho and the Bureau of Land Management signed a Memorandum of Understanding which allows for continued military use and maneuvers on about 122,600 acres of public land.

Twenty-five years of military use in the proposed conservation area has not caused any known major adverse effects on the birds of prey. This is an important use and will be allowed to continue.

Establishment of the proposed conservation area would also have no effect upon the two active clay mining claims, 50 oil and gas leases, 17 geothermal leases, and 14 permits for the removal of sand, gravel and cinders. Mineral leasing of public land would continue as long as the activities were in harmony with the management objectives for the area and did not adversely affect the birds of prey and their habitat.

The United States Geologic Survey has classified large portions of the Snake River plain as prospectively valuable for oil, gas and geothermal development. This proposal recognizes the importance of these mineral resources and will allow for continued exploration and development.

The proposed conservation area is a major scenic, geologic and wildlife attraction for many Idahoans. The Snake River plateau and canyon is rich in various recreation opportunities that include sightseeing, camping, picknicking, boating, offroad vehicle use, fishing and hunting.



The area has also been identified in the Idaho State Comprehensive Outdoor Recreation Plan (SCORP) as one of the nationally significant resources within Idaho. Another positive benefit of the proposed conservation area would be to insure that present outdoor recreational opportunities associated with undeveloped public land would continue in the future.

The Idaho Fish and Game Commission has adopted a comprehensive plan for the future management of Idaho's fish and wildlife resources which recognizes and supports the birds of prey and their habitat base.

I must also express my position regarding the 43,619 acres of state land contained within the proposed boundary. I am in support of moving ahead with developing a land exchange proposal with the Bureau of Land Management. I believe that a land exchange would serve the best interests of Idaho's endowment fund, while at the same time providing for better management of our state lands. It is my hope that the State Land Board will support a land exchange proposal and provide you with some positive direction regarding management of our state lands.

One other issue of interest and concern to the State is the impact the proposed conservation area might have on future development of farmland. The State Water Plan calls for development of about 800,000 acres of new farmland through the year 2020, or about 20,000 acres per year.

In the last several years, growth has not met that goal, and to compound the problem, something in excess of 6,000 acres per year has been going out of production for other land uses. I point this out only to emphasize that some level of new development will need to occur in the future if Idaho wants to maintain a healthy agriculture-based economy.

I would hope that the Bureau of Land Management would work very closely with the State in addressing this issue of concern to all of us. I will be submitting for your consideration early next year an alternative proposal outlining my boundary adjustments that might satisfy most concerned interests.

The Snake River Birds of Prey is one of Idaho's most unique and valuable natural resources that deserves special protection. Idaho is faced with a real opportunity to protect and preserve an entire ecosystem found nowhere else in the world.

I appreciate the cooperative working relationship that has developed between the State of Idaho and the Bureau of Land Management. By working together, we can recognize those areas of our state that are unique and valuable and deserve special protection, while at the same time protecting the social and economic outlook for Idaho's agriculture community.

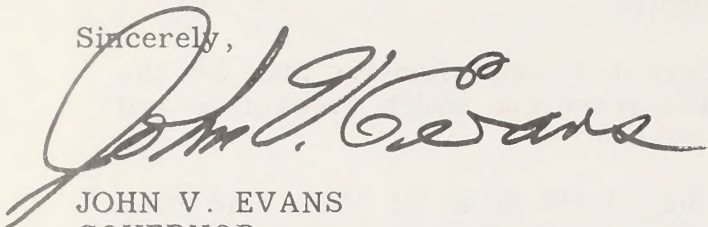
The challenge that lies ahead in providing a balanced framework for management of our natural resources will determine the quality of life we will enjoy and pass



The Honorable Cecil D. Andrus  
December 14, 1979  
Page Four

on to future generations. I am looking forward to working with you and the Bureau of Land Management as we address the critical natural resource issues facing Idaho and the Nation.

Sincerely,

A handwritten signature in dark ink, appearing to read "John V. Evans". The signature is fluid and cursive, with a large initial "J" and "E".

JOHN V. EVANS  
GOVERNOR

cjk/E1



## GLOSSARY

Adverse Effect - The effect of any action or undertaking which may damage, or result in the deterioration of a resource or the environment.

Aesthetics - Dealing with the nature of the beautiful and with judgement concerning beauty.

Airspace Closure - Limits the flight of aircraft in the Birds of Prey Natural Area and Study Area from February 1 to September 1, inclusive. See Appendix B.

Algae - Simple plants, many microscopic, containing chlorophyll; forming the base of the food chain in aquatic environments. Some species may create a nuisance when environmental conditions are suitable for prolific growth.

Algal Bloom - Proliferation of living algae on the surface of lakes, streams or ponds; stimulated by phosphate enrichment.

Animal Unit Month (AUM) - The amount of forage required to sustain the equivalent of one cow or five sheep for one month.

Aquaculture - Commercial fish farming.

Aquatic Fauna - Animals growing or living in water.

Aquifer - A water bearing stratum of permeable rock, sand or gravel.

Artifact - Any object made, modified, or used by man.

Carey Act - This act was passed on August 18, 1894 and was intended to encourage reclamation and settlement of desert lands. Under the law, the Secretary of Interior is authorized to grant up to one million acres to states containing desert lands. Amendments later increased this authorization to three million acres for Idaho. The state patents lands in 160-acre parcels to actual settlers on the land. While there is no charge to the State of Idaho for these lands, the state requires settlers to pay fees for filing an application for Carey Act land, fees (per acre) for initial withdrawal of these lands and patent, and additional fees for livestock and wildlife mitigation. Section 42-2039 of the Idaho State Code provides for a maximum of \$5 per acre for grazing restoration and \$1 per acre for wildlife mitigation to be paid by settlers on lands where such values were lost during development under the Carey Act.

CFS - Cubic feet per second, a measure of the amount of water passing a given point.

Cultural Resource - Those non-renewable, fragile and finite remains of human activity, occupation and endeavor as reflected in districts, sites, structures, artifacts, objects, ruins, works of art and architecture or documentation.



Desert Land Act (DLA) - This act was passed in 1877 and has been amended a number of times. It allows a state resident to file on up to 320 acres of public land. DLA applications are filed singly or in group project proposals similar to the Carey Act. There is an initial \$10 filing fee plus 25¢ per acre deposit towards purchase price. One dollar per acre per year for three years must be expended towards development of the land. At final proof, the applicant pays \$1 per acre plus proof-taking costs of about \$25. Patent applications, subject to time extension for certain cases, are to be filed within four years after entry is allowed, and water must be available to all irrigable portions of the entry. At least one-eighth of the entry is to be cultivated at the time of patent application. The DLA does not require an entryman to build a home on the farm unit. The BLM has administrative control of the land under a DLA filing until patent is issued.

Ecosystem - Complex self-sustaining natural system which includes living and non-living components of the environment and the interactions that bind them together. Its functioning involves the circulation of matter and energy between organisms and their environment.

Endangered Species - A species of fish, wildlife or plants found by the Secretary of Interior to be threatened with extinction because its habitat is threatened with destruction, drastic modification or severe curtailment, or because of over-exploitation, disease, predation or other factors. Its survival requires assistance.

Federal Land Policy and Management Act of 1976 (FLPMA) - This act organizes, for the first time, the duties and functions of the Bureau of Land Management and provides a basic mission and an adequate authority for effective management of these lands. The Act clearly states that retention of public land, rather than disposal is the emphasis of management. As clearly stated in Section 102 of the Act, "The Congress declares that it is the policy of the United States that . . . the public lands be retained in Federal ownership, unless as a result of the land use planning procedure provided for in this Act, it is determined that disposal of a particular parcel will serve the national interest . . ."

Fledge - To raise a young bird until it is able to fly.

Forage - All browse and herbaceous food that is available to livestock or game animals, used for grazing or harvested for feeding.

Game Animals - Those wildlife species which are legal for sport hunting as deemed by the State Department of Fish and Game. The animals are of significant economic importance to the state due to their monetary return via license fees, taxes, etc.

Geothermal - Pertaining to the earth's internal heat. Geothermal resources refers to natural hot water or fluid, natural steam or naturally hot rock.



Geothermal Leasing Act of 1970 - Authorizes the Secretary of Interior to issue leases for the development and utilization of geothermal steam and associated geothermal resources on lands administered by him, including public, withdrawn and acquired lands.

Historic Resources - All evidences of human activity that date from historic (i.e., recorded history) periods. Historic resources are cultural resources and may be considered archaeological resources when archaeological work is involved in their identification and interpretation.

Hydropower (hydroelectric) - Refers to electricity generated by water power.

Management Framework Plan (MFP) - A planning decision document which establishes, for a given area of land, land use allocations, coordination guidelines for multiple use, and objectives to be achieved for each class of land use or protection. It is the BLM's Land Use Plan.

Mineral Leasing Act of 1920 - Allows the Secretary of Interior to lease certain minerals like oil and gas, coal, phosphate and oil shale at his discretion.

Mining Law of 1872 - a non-discretionary law that standardized procedures for filing a mining claim, proving up on the claim and gaining patent to the claim for lode or placer minerals.

Mitigation - The reduction or elimination of damages to an environmental resource.

Multiple Use - Harmonious and coordinated management of the various surface and subsurface resources, without impairment of the land, that will best meet the present and future needs of the people.

National Advisory Council on Historic Preservation - A council established pursuant to Title II of the National Historic Preservation Act of 1966. Under the provisions of Section 106 of NHPA, the Advisory Council must be afforded an opportunity to comment on Federal, Federally assisted, or Federally licensed undertakings which may affect properties listed in or eligible for listing in the National Register of Historic Places.

National Environmental Policy Act of 1969 - The purposes of the Act are to declare a national policy which will encourage productive and enjoyable harmony between man and his environment, to promote efforts which will prevent or eliminate damage to the environment and biosphere, and stimulate the health and welfare of man, to enrich the understanding of the ecological systems and natural resources important to the nation, and to establish a Council on Environmental Quality. It is the continuing policy of the federal government, in cooperation with state and local governments and concerned public and private organizations, to use all practicable means and measures to create and maintain conditions under which man and nature can exist in productive harmony and fulfill the social, economic and other requirements of present and future generations of Americans.



National Register of Historic Places - The official list, established by the Historic Preservation Act of 1977, of the Nation's cultural resources worthy of preservation. The Register lists archaeological, historic and architectural properties (i.e., districts, sites, buildings, structures and objects) nominated for their local, State, or national significance by State and/or Federal agencies and approved by the National Register staff. The Register is maintained by the Heritage Conservation and Recreation Service.

Non-game Animals - Not legal for sport hunting and are generally protected. They are primarily comprised of rodents, shore birds, raptors and song birds. These animals provide non-consumptive type enjoyment for many people.

Off-Road Vehicle (ORV) - Any motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland or other terrain.

Paleontological Resource - Cultural values dealing with the life, ancient forms, and conditions of past geological eras as known from fossil remains.

Particulate Matter - Finely divided solid or liquid particles in the air or in an emission. Particulates include dust, smoke, fumes, spray and fog.

Penstock - A conduit for conveying water to a water wheel or turbine.

Perennial - Having a life cycle lasting more than two years.

Physiographic - The systematic description of nature in general.

Planning Unit - A geographic area within a BLM District used for assembling resource inventory data.

Prehistoric Resources - All physical evidence of past human life or activities that represent aspects of a time prior to the written history of an area.

Prey - An organism killed and at least partially consumed by a predator.

Prey Base - The collection of prey species in an area that are used as a food source for a predator or a group of predators.

Riparian Zone - Referring to the land bordering a stream, river or lake.

Sedimentary Deposits - Any usually finely divided organic and/or mineral matter deposited by air or water in non-turbulent areas.



Sensitive Species - Animals classified by the BLM and Idaho Fish and Game Department are those: 1) not yet officially listed but which are undergoing a status review or are proposed for listing according to Federal Register notices published by the Secretary of the Interior or the Secretary of Commerce, or according to comparable State documents published by State Officials; 2) whose populations are consistently small and widely dispersed, or whose ranges are restricted to a few localities, such that any appreciable reduction in numbers, habitat availability, or habitat condition might lead toward extinction; and 3) whose numbers are declining so rapidly that official listing may become necessary as a conservation measure. Declines may be the cause of one or more of several factors including: destruction, modification, or curtailment of the species' habitat or range; overutilization for commercial, sporting, scientific, or educational purposes; disease or predation; the inadequacy of existing regulatory mechanisms; and/or other natural or manmade factors adversely affecting the species' continued existence.

Sikes Act - Public Law 93-452, passed by the United States Congress on October 18, 1974, directs the Secretary of Interior to cooperate with the State wildlife agencies in the planning, development, maintenance and coordination of comprehensive plans for the conservation and rehabilitation of fish and wildlife resources.

Site - A physical location where human activities or events transpired. The location of an event, activity, building structure, or object.

Socio-Cultural - The interaction of social and cultural factors.

State Historic Preservation Officer (SHPO) - The official within each State, authorized by the State at the request of the Secretary of the Interior, to act as a liaison for purposes of implementing the National Historic Preservation Act of 1966.

State of Idaho Admissions Act - Upon gaining statehood, Idaho was given sections 16 and 36 within each township. Some of these sections were withdrawn and unavailable due to National Park or Forest Service status. The above Act allows the State to select other federal lands amounting to the same acreage, in lieu of the unavailable lands.

Sustained Yield - The achievement and maintenance in perpetuity of a high-level annual or regular periodic output of the various renewable resources of the public lands consistent with multiple use.

Taylor Grazing Act of 1934 - Implemented to stop injury to the public grazing lands by preventing overgrazing and soil deterioration. It authorized the Secretary of Interior to manage the public rangelands.

Threatened Species - Any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range, and which has been designated in the Federal Register by the Secretary of Interior as a threatened species.



Turbidity - The cloudy condition caused by suspended solids in a liquid.

Upper Sonoran Desert Life Zone - The Upper Sonoran Desert Life Zone represents one particular band of vegetation which runs across North America from south to north or from low altitudes to high. Life zones generally lie above one another at successively cooler temperature belts. Some plants which typify this life zone include greasewood, saltbrush, rabbitbrush and sagebrush.

Visual Resource - The land, water, vegetation, animals and other features that are visible on all public lands.

Wilderness Act of 1964 - Established a National Wilderness Preservation System to be composed of federally owned areas designated by Congress as wilderness areas.

Withdrawal - An action, approved by the Secretary, which segregates public lands from specific land uses. A withdrawal under Section 204 of FLPMA may only segregate the lands from non-discretionary land laws such as the 1872 Mining Law.



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Summary of Provisions Suggested for Inclusion in a  
Birds of Prey National Conservation Area Bill

It is proposed to submit to the Congress for its consideration a bill that would establish the Snake River Birds of Prey National Conservation Area. This would be accomplished by an amendment to Title VI of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.). The purpose of the legislation would be to protect the ecosystem of the Snake River Birds of Prey Area which is essential to the maintenance of the raptor population and its prey base. The legislation would be a recognition that the public lands in Idaho comprising the Snake River Birds of Prey Area contain the densest known nesting population of eagles, falcons, owls, kestrels, hawks, and other birds of prey (raptors) in North America.

The proposal would also provide for the development and use of the other resource values of the Area under a multiple use and sustained yield concept. The Area would be administered by the Secretary of the Interior through the Bureau of Land Management. The Secretary would continue to implement a management plan for the Area to protect and enhance the raptors and their habitat. Partial or complete temporary closures of all or portions of the Area, including closure of airspace, and issuance of permits containing appropriate conditions for activities within the Area would be among components of the plan.

The management plan would include special management protection for the raptor habitat within the Area, including:

- provisions for the public use of such lands;
- provisions for acquisition of lands comprising the raptor habitat within the boundaries of the Area;
- the identification of withdrawals, and initiation of action to modify or revoke such withdrawals that are no longer needed in the Secretary's view;
- provisions for the development of procedures by which plans, activities, programs and policies of Federal, State, and local governments in the Area can be coordinated;
- provision for education and research in the Area; and
- a provision for a program of continued scientific investigation and study to support the sound management of the Area.

The management plan would be required to be maintained and revised as the Secretary deems necessary to carry out the purposes and provisions of the bill.

The bill would also give the Secretary authority to issue regulations necessary to implement its provisions with regard to management, uses and protection of the public lands within the Area. Penalties for violations of such regulations would also be provided. The Secretary could also delegate limited enforcement responsibilities to certain designated personnel and appropriate State or local officials without granting such



personnel and officials the authority to carry firearms. Nothing in the bill would supersede or otherwise affect administration of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.).

Subject to valid existing rights, the Area would be withdrawn from operation of the Mining Law of 1872, as amended and supplemented (30 U.S.C. 22 et seq.). Minerals that would ordinarily be subject to disposal under the Mining Act of 1872 or any other law applicable to such minerals in the future could be disposed of by lease by the Secretary. Such leases, or any leases issued under the Mineral Leasing Act of 1920, as amended and supplemented (30 U.S.C. 181 et seq.), the Acquired Land Mineral Leasing Act (30 U.S.C. 351 et seq.) or the Geothermal Steam Act of 1970 (30 U.S.C. 1001 et seq.) would be required to contain such stipulations and conditions as the Secretary deems necessary to protect the raptor habitat, and scenic, scientific, and other environmental value of the public lands of the Area.

Subject to valid existing rights, the Area would be withdrawn from entry, application, or selection under the Desert Land Act (43 U.S.C. 321 et seq.), the Carey Act (43 U.S.C. 641), the State of Idaho Admissions Act (26 Stat. 215), Revised Statute section 2275, as amended (43 U.S.C. 851), and Revised Statute section 2276 as amended (43 U.S.C. 852). However, agricultural use and development within the Area could be permitted pursuant to section 302 of FLPMA and in accordance with the required management plan.

To assure that other Federal activities are administered consistent with the management of the Area, no Federal funds would be expended and no guarantee, license, approval, project, program, or activity of any description that would affect the lands, waters, or other resources located within the Area would be allowed if, in the judgment of the Secretary, it would be inconsistent with the management of the Area for the purposes and policies of this bill. The Secretary would be authorized to issue procedures requiring other Federal departments and agencies to supply information to him to enable him to determine whether a proposed activity is consistent with the management of the Area.

The bill would also provide for continued use of the Area by the Idaho National Guard, provided such use is compatible with the policies and purposes of the bill. The Secretary would also be required to provide for visitor use of the Area consistent with protection of the raptors and the raptor habitat within the Area.

Further, the Secretary would be authorized to exercise the power of eminent domain to acquire lands within the Area that he determines are essential raptor nesting habitat. Lands owned by the State of Idaho within the Area could only be acquired by sale, donation or exchange. The Secretary would also be authorized to use monies from the Land and Water Conservation Fund for such acquisitions.

Finally, the Secretary would be authorized to enter into cooperative agreements and contracts with State and local governments providing for such governmental services as he deems necessary to carry out the purposes and policies of the bill.



Definitions of essential terms and appropriation provisions would also be included in the bill.



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